

Now, we are in the military zone. Now, we are in this place where martial law has been declared and where the usages of war prevail.

Mr. BORAH. Exactly; but the military zone is still within the jurisdiction of the court.

Mr. GOFF. Its acts are subject to the revision of the court. Is it possible that we are to be told in this late day and generation that a military commission can not sit when war or insurrection is in progress in the identical spot where the insurrection is extant?

Mr. BORAH. Mr. President, I declare at this late day that it has been declared so many times that I did not suppose it would be controverted that, although the governor of a State may declare martial law and fix a military zone for the purpose of policing the situation and preventing lawlessness, he can not improvise a military tribunal for the purpose of trying men who have violated the laws of the State.

Mr. GOFF. That raises the question again. Great men will differ. Great courts will differ.

Mr. WILLIAMS. Mr. President, I desire to interrupt the Senator from West Virginia for the purpose of asking him if it would not be more convenient for him to go on with his speech to-morrow after the Senate meets. It is now a quarter to 6 o'clock, and it seems to me that if the Senator will yield to permit an adjournment he can complete his speech better in the morning. I ask the Senator to yield for that purpose.

The VICE PRESIDENT. Will the Senator from West Virginia yield to the Senator from Mississippi?

Mr. GOFF. I may be perfectly willing to accommodate the Senator from Mississippi if he can assure me that the situation to-morrow will be that which he indicates.

Mr. WILLIAMS. I understand the resolution goes over as the unfinished business and will come up in that shape to-morrow, when the Senator can continue his remarks.

Mr. GOFF. Then, will the Senator move an adjournment?

Mr. WILLIAMS. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi that the Senate adjourn. [Putting the question.] The yeas seem to have it.

Mr. JAMES. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHEPPARD (when Mr. CULBERSON's name was called). I desire to state that my colleague [Mr. CULBERSON] is necessarily absent. He is paired with the senior Senator from Delaware [Mr. DU PONT].

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is necessarily absent from the Senate. He is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. POMERENE (when his name was called). I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I understand if he were present he would vote "yea." That being the case, I will vote. I vote "yea."

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP], and therefore withhold my vote.

Mr. SAULSBURY (when the name of Mr. SMITH of Maryland was called). At the request of the senior Senator from Maryland [Mr. SMITH] I desire to announce his pair with the senior Senator from North Dakota [Mr. McCUMBER].

Mr. RANSDALL (when Mr. THORNTON's name was called). I desire to announce, on behalf of the senior Senator from Louisiana [Mr. THORNTON], that he is unavoidably absent on account of sickness.

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I announce that my colleague [Mr. WARREN] is absent from the Senate on public business. He is paired with the senior Senator from Florida [Mr. FLETCHER].

The roll call was concluded.

Mr. CHAMBERLAIN. I desire to inquire whether the junior Senator from Pennsylvania [Mr. OLIVER] has voted?

The VICE PRESIDENT. The junior Senator from Pennsylvania has not voted.

Mr. CHAMBERLAIN. I am paired with that Senator. I am advised, however, that if he were present he would vote "yea." Therefore I am at liberty to vote. I vote "yea."

Mr. GALLINGER. I was requested to announce that the Senator from Maine [Mr. BURLEIGH] is paired with the Senator from South Carolina [Mr. SMITH], that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Arizona [Mr. SMITH], and that the Senator from Washington [Mr. JONES] is paired with the Senator from Louisiana [Mr. THORNTON].

The result was announced—yeas 44, nays 27, as follows:

YEAS—44.

Borah	Cummins	Myers	Smith, Mich.
Bradley	Dillingham	Nelson	Smoot
Brandeggee	Gallinger	Norris	Stephenson
Bristow	Goff	Overman	Sterling
Burton	Gore	Owen	Sutherland
Catron	Hitchcock	Page	Swanson
Chamberlain	Johnson, Me.	Penrose	Tillman
Chilton	Kern	Perkins	Townsend
Clark, Wyo.	La Follette	Pomerene	Weeks
Colt	McLean	Reed	Williams
Crawford	Martin, Va.	Root	Works

NAYS—27.

Ashurst	Hughes	O'Gorman	Smith, Ga.
Bacon	James	Ransdell	Stone
Bankhead	Johnston, Ala.	Robinson	Thomas
Brady	Kenyon	Saulsbury	Thompson
Bryan	Lea	Shafroth	Vardaman
Clarke, Ark.	Lewis	Sheppard	Walsh
Hollis	Martine, N. J.	Shively	

NOT VOTING—25.

Burleigh	Jackson	Oliver	Smith, Md.
Clapp	Jones	Pittman	Smith, S. C.
Culbertson	Lane	Polindexter	Thornton
du Pont	Lippitt	Sherman	Warren.
Fall	Lodge	Shields	
Fletcher	McCumber	Simmons	
Gronna	Newlands	Smith, Ariz.	

So the motion was agreed to; and (at 5 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 15, 1913, at 12 o'clock meridian.

SENATE.

THURSDAY, May 15, 1913.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington. The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATIONS (S. DOC. NO. 35).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to House joint resolution No. 80, appropriating \$300,000 for temporary and auxiliary clerks in post offices and the sum of \$300,000 for substitute auxiliary and temporary city-delivery carriers, and transmitting a communication from the Postmaster General setting forth the immediate needs for these additional funds in order to avoid serious embarrassment to the service of the Post Office Department, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

REPORT OF SERGEANT AT ARMS (S. DOC. NO. 34).

The VICE PRESIDENT laid before the Senate a communication dated March 15, 1913, from the former Sergeant at Arms of the United States Senate, transmitting a statement of the receipts from the sale of condemned property from December 2, 1912, to March 15, 1913, which was ordered to lie on the table and to be printed.

THE SUGAR INDUSTRY.

The VICE PRESIDENT. The Chair lays before the Senate a cablegram which will be read.

The Secretary read the cablegram, as follows:

[Cablegram.]

ILOILO, May 14, 1913.

PRESIDENT SENATE, Washington:

Visayan Provinces appeal for salvation of sugar industry. Free sugar means loss livelihood million and quarter people and ruin to fifty millions American and Filipino capital.

ILOILO BOARD OF TRADE.

The VICE PRESIDENT. The cablegram will be referred to the Committee on Finance.

THE TARIFF.

The VICE PRESIDENT. The Chair, for information, desires to make an inquiry of the Senators present.

The next order of procedure is messages from the House of Representatives on the table. As is known to the Senate, House bill 3321, commonly known as the tariff bill, has not been disposed of. It has not been referred to any committee as yet.

For the information of the Chair I should like to know where that bill is, whether it is a message from the House of Representatives still on the table which is now to be taken up and further discussed in reference to the motion to refer, or whether it is ever to be taken up again until some one takes it out of the air and brings it down and presents it to the Senate.

For the information of the Chair, if Senators who have knowledge of the mode of procedure will inform the Chair as to whether this is the time or not, he would be obliged.

Mr. LODGE. Mr. President, as I understand the Chair, the question is in regard to referring the tariff bill.

The VICE PRESIDENT. It is whether under this particular order of business it is the duty of the Chair now to call the attention of the Senate to it.

Mr. LODGE. A case precisely of this kind I do not recall. A message from the House, which is the form in which the bill comes to us, is a privileged question to the extent that the message must be laid before the Senate on the request of any Senator or at the discretion of the Chair. But when it has been laid before the Senate the privilege is exhausted.

Now, the next step it appears is a new matter. It would seem to me by analogy that the question of the reference of the bill comes when the order of bills is reached in the routine morning business; that is, a bill for reference comes before the Senate properly at that time and must then be decided. I do not think it would shut out the ordinary morning business and prevent the presentation of petitions and reports of committees. I should think the question of reference would come up after the introduction of bills; but, as I said, I know of no case precisely like this, and that would be merely my judgment from analogy.

Mr. BACON. Mr. President, I have very great confidence in the judgment and experience of my learned friend. I should like, not by way of argument or controversy but for information, to have the Senator suggest upon what he bases the opinion that the privilege had been exhausted.

Mr. LODGE. The only privilege the bill has is the privilege that it is a message from the House. The rules provide that a message from the President or a message from the House may be laid before the Senate by the Chair at any time, and shall be laid before the Senate on the request of a Senator. When that is done, exactly like a conference report, the privilege is then exhausted; there is no further privilege.

Mr. BACON. The idea of the Senator is that it is then in the possession of the Senate.

Mr. LODGE. It is then in the possession of the Senate to take any action they please. They can take it up; they can raise the question of consideration, and refuse to consider it; but it has no privilege after the privilege of laying it before the Senate has been exhausted. A motion to refer has been made, and, of course, a motion can be made to take it up and dispose of it at any time.

Mr. BACON. Would not the Senator consider that the motion, made when the message was first laid before the Senate, is a privileged motion?

Mr. LODGE. No.

Mr. BACON. It was a part of the privilege.

Mr. LODGE. No; I do not think so.

Mr. BACON. Some disposition was to be made of it.

Mr. LODGE. The Senate could have refused to consider it; they could have refused to refer it. The Senate could have done anything with it they pleased. As a matter of fact, the motion to refer was made. That motion is open to debate. I think in the natural order of things it must come up automatically every morning after the order of bills, but I do not think that prevents moving that the Senate proceed to the consideration of the reference of the bill. That can be done at any time.

Mr. SIMMONS. Mr. President, I was laboring under the impression that the Senate would not meet until 2 o'clock this afternoon, and I was not here at the opening of the session. I desire to inquire what motion is pending before the Senate?

The VICE PRESIDENT. The Chair will state, for the information of the Senator from North Carolina, that there is no motion pending. The Chair was inquiring for information in regard to the conduct of the Chair as to whether, under the order of messages from the House of Representatives on the table, it was either the duty or the power of the Chair now to lay before the Senate the motion made to refer to the Committee on Finance what is commonly known as the tariff bill with the amendment thereto.

Mr. SIMMONS. Mr. President, I am under the impression, that being a House bill which has been laid upon the desk of the Vice President and a motion made to refer it, that would be a privileged motion, and it may be called up at any time during the morning hour.

The VICE PRESIDENT. By a Senator?

Mr. SIMMONS. By a Senator. I desire now to ask that that motion be laid before the Senate.

Mr. SMOOT. I wish to say to the Senator from North Carolina that the bill is only a privileged question to the extent that it shall be presented to the Senate. I agree fully with the Senator from Massachusetts on that point. But after a day has passed then it is no longer a privileged question, and it is in no other position than any other bill which may be on the calendar or any resolution or bill which may be on the table. The Senator from North Carolina, or any other Senator, can

move to take it up at any time, just the same as if it were a bill on the table or a bill on the calendar.

Mr. SIMMONS. That is what I have just done.

Mr. SMOOT. If the Senator moves to take it up, of course it is in order.

Mr. SIMMONS. That is what I have done.

The VICE PRESIDENT. After the inquiry made by the Chair, the Chair is now of the opinion that it is the duty of the Chair to proceed with the regular order, and that at the conclusion of the regular order the Senator from North Carolina has a right to call for the further consideration of the bill.

Mr. LODGE. There can be no doubt of that.

Mr. SIMMONS. Mr. President, I insist upon the motion. I ask the Chair to lay before the Senate the motion for the reference of the bill to the Committee on Finance.

The VICE PRESIDENT. That is a motion on the part of the Senator from North Carolina. The Senator from North Carolina moves that the further consideration of the motion to refer what is commonly known as the tariff bill to the Committee on Finance be laid before the Senate with the amendments thereto. All in favor of that motion will say "aye." [Putting the question.] The "ayes" have it, and the motion is agreed to.

Mr. SIMMONS. I now move that the bill be referred to the Committee on Finance.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. The Senator from California.

Mr. PENROSE. Excuse me one moment. Of course the motion carries the amendments with it, or do they have to be separately acted on?

The VICE PRESIDENT. The Chair will state that the question now pending before the Senate is upon the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], accepted by the Senator from Pennsylvania [Mr. PENROSE], carrying instructions for the Committee on Finance to have open hearings upon the tariff bill when it is referred to that committee; and upon that the Senator from California [Mr. WORKS] has the floor.

Mr. WORKS. Mr. President, when this motion was made and the amendment to it proposed by the Senator from Pennsylvania it at once brought about a discussion—

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I yield.

Mr. SIMMONS. I asked the Senator from California to yield to me for the purpose of seeing whether it is not possible to agree upon an hour to take the vote upon this motion to-day.

Mr. WORKS. Certainly, Mr. President, I yield for that purpose.

Mr. SIMMONS. Mr. President, I suggest that we vote upon the motion, say, not later than 5 o'clock this afternoon. I think that will give ample opportunity for debate on each side.

Mr. LODGE. At what hour?

Mr. SIMMONS. Not later than 5 o'clock.

Mr. SMOOT. That is all right.

The VICE PRESIDENT. Is there unanimous consent to that proposition?

Mr. SUTHERLAND. I should like to ask, before that is acted upon, what will become of the unfinished business—whether, if the unfinished business should be taken up at 2 o'clock—

Mr. LODGE. Oh, no.

Mr. SUTHERLAND. And proceeded with, that may not take out three hours of the time?

Mr. LODGE. I take it the Senator from North Carolina means that the day is to be given to the question of reference, and that that question is not to be set aside at 2 o'clock.

Mr. SIMMONS. Oh, no. I shall insist upon the continuous consideration of this matter until we can definitely act upon it.

Mr. SUTHERLAND. I suppose the understanding is that the unfinished business will be laid aside?

Mr. LA FOLLETTE. Unless that is a part of the unanimous-consent agreement—

Mr. SIMMONS. I ask that that be a part of the unanimous-consent agreement.

Mr. KERN. Will that displace the unfinished business?

Mr. SIMMONS. The unfinished business can be informally laid aside at 2 o'clock. I hope the Senator from Indiana will not interfere with this proposed agreement.

Mr. KERN. With the understanding that the resolution is to remain the unfinished business—

Mr. SIMMONS. There is no purpose to displace the unfinished business.

Mr. KERN. Very well. With the understanding that the resolution is to remain the unfinished business, I shall not object.

Mr. LODGE. As I understand it, the request of the Senator from North Carolina is that the vote shall be taken not later than 5 o'clock to-day on the pending motion to refer, and that it is also understood that at 2 o'clock the unfinished business shall be temporarily laid aside.

Mr. SMITH of Georgia. That it shall be temporarily laid aside, and that this question shall be the continuous business until 5 o'clock, if it is not until then disposed of.

Mr. PENROSE. Unless sooner disposed of.

Mr. SIMMONS. That it is to be continuously discussed, unless disposed of before 5 o'clock.

The VICE PRESIDENT. Is there objection to the request?

Mr. SMITH of Michigan. I object.

Mr. SIMMONS. Then, one additional inquiry. Will the Senator from Michigan suggest any time at which he would agree to take a vote?

Mr. SMITH of Michigan. No, Mr. President. This matter is so important, and the attitude of the other side is so arbitrary—

Mr. SIMMONS. This is a mere matter of the reference of the bill to the committee, Mr. President.

Mr. SMITH of Michigan. The attitude of the other side is so arbitrary that I do not feel that it calls for any special generosity upon the part of Senators on this side of the Chamber. I do not mean by that to suggest—

Mr. SIMMONS. I wish to say to the Senator from Michigan that I am not asking for any generosity from that side of the Chamber. I was merely asking whether Senators on that side of the Chamber were willing to agree to a time certain for a vote on this question in the interests of the public business.

Mr. WORKS. Mr. President, the Senator from Michigan [Mr. SMITH] has objected.

Mr. SIMMONS. I wish to disclaim any purpose to appeal to the generosity of Senators on the other side.

Mr. WORKS. I call for the regular order.

The VICE PRESIDENT. There seems to be objection, and the unanimous-consent agreement is not entered into. The Senator from California has the floor.

Mr. WORKS. Mr. President, when this motion was originally made and the amendment to it offered by the Senator from Pennsylvania [Mr. PENROSE], it brought about a discussion here of some of the merits of one of the provisions in the tariff bill. The discussion was not necessarily called for, and was really not appropriate to the mere question of reference, but it did bring about some statements, particularly by the Senator from Colorado [Mr. THOMAS], that I can not allow to pass even at this time without laying before the Senate some of the facts so far as they relate to the State of California.

It was stated by the Senator from Colorado that in that State the sugar-beet growers were paying their employees from 20 to 22 cents a day. I was sure at the time the statement was made that the Senator from Colorado was mistaken, and that he would eventually discover that fact and make the proper correction. He has already done so; but in correcting that statement he has made the further statement that the wages paid in Colorado are a dollar and a half a day.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from Colorado?

Mr. WORKS. I yield.

Mr. THOMAS. My recollection is that the statement was not limited to any particular sum, but that the wages were from a dollar and a half to two dollars a day. I may be in error, but that is my recollection.

Mr. WORKS. Well, let that be as it may, even with that qualification it does not meet the facts as they exist in my State.

The further question was raised here as to the kind of labor employed, it being insisted by the same Senator that foreign labor was employed in the beet fields of all of the Western States. I was not able to say at the time certain inquiries were directed to me what the facts were with respect to that matter; but it seems to be the impression of some people that it is a positive offense to employ foreign labor in this country. We have invited these people here; they are rightfully in this country; they have a right to employment where their services are needed; and, so far as the State of California is concerned, we would rather employ these foreigners and pay them reasonable and decent wages than to see them go into the slums of the city and become thieves and assassins. We do employ foreign laborers in our State. They are employed in the work that is done in the beet fields, the same as in other lines of employment, especially on the farm, but we do not pay them

foreign wages. They are paid the same wages that are paid to others. We are trying in that way to elevate the citizenship of these people who have come into this country as immigrants, so that they may be good American citizens in the end.

Of course, we have had rather thrust upon us some foreign labor that is objectionable to our people. That can not be helped.

There was a further question raised here, and that was as to the profits that are being realized in the manufacture of sugar in the State of California, and one of the manufacturing plants in that State was singled out, and the statement made that it had realized 100 per cent profit. That statement has been made for several years past. It has been repeated and repeated time and again after it has been conclusively disproved by men who have perfect knowledge on the subject. When this question as to the amount of wages that are paid in my State was raised, I telegraphed to the secretary of the Beet Growers' Association of California to ascertain what wages were being paid in that State, and I have this answer from him:

Workers in beet fields receive an average of \$2.50 per day.

As to the general situation, including the wages paid, I have a letter here from Mr. F. B. Case, manager of one of the beet-manufacturing establishments in the State of California, which I will ask to have read by the Secretary.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

SOUTHERN CALIFORNIA SUGAR CO.,
Santa Ana, Cal., April 15, 1913.

Hon. JOHN D. WORKS, Washington, D. C.

DEAR SIR: I am in receipt of your favor of the 9th instant requesting me to forward to you a statement showing the profits made by this company for the last three or four years. In compliance therewith I inclose herewith copies of the sworn statements of this company made to the collector of internal revenue for this district, together with statement prepared by us and distributed among our stockholders.

In connection therewith I desire to bring to your attention the fact that in the statement made to the Government there has been a charge for 10 per cent depreciation annually, while in the statement to the stockholders no charge for depreciation had been made. This statement is made for our annual stockholders' meeting of the business of each year.

We have been in operation four years. Out of the profits during that period we have been able to pay three 10 per cent dividends. The balance of our earnings we have been forced to put back into our plant to keep it in repair and up to date. This is the tenth year that the writer has engaged in the sugar business, having been prior to 1909 manager of the St. Louis Sugar Co., of St. Louis, Mich. At the time I left there the St. Louis Sugar Co. enjoyed the reputation of being the most profitable sugar factory in the United States. During my connection with that company we paid annually to the stockholders a dividend of 12 per cent. The business was conducted solely in the interest of its stockholders, and every dollar and penny available for that purpose was used for paying dividends. Since coming to California I have made a success of the business of this factory, and it has been conducted with that end in view the same as the St. Louis Sugar Co., to wit, payment to its stockholders of as large a dividend as possible in order that their investment might be profitable.

This company was the first one in California built and conducted upon the policy of purchasing its beets from growers. All other factories had been located upon lands donated or partly donated for the purpose of inducing their construction. The success of our company in this community drew to Orange County three other companies, to wit, the Holly Sugar Co., of Huntington Beach; the Anaheim Sugar Co., of Anaheim; and the Santa Ana Cooperative Sugar Co., of Santa Ana, with the effect that the assets accruing to this company by reason of its favorable location have been dissipated by overcompetition. This overcompetition forced the price of beets to advance 75 cents per ton last year with the resulting loss of profit.

The past year has taught us that it is not a question of factory profits, but the preservation of the business that is involved in the reduction of the tariff on sugar. While I am not fully posted in regard thereto, I believe that the profits of the St. Louis Sugar Co. and of the Southern California Sugar Co. upon the capital invested exceed that of all others. Were the profits as enormous as the misrepresentations have made them, there would be no difficulty in getting capital to extend the industry and build more plants.

The enormous profits to which you have referred are found in the testimony of Claus Spreckels, of the Federal Sugar Refining Co., who stated before the Hardwick committee that his father had informed him that the profits of the Watsonville plant, located at Watsonville, Cal., were for the two years of 1888 and 1889 enormous—12 per cent and 80 per cent upon its capitalization. The refutation of that statement, which gave the actual profits at the Watsonville factory for those two years as \$11,075.38 and \$23,550.23, respectively, has been smothered by the promulgation of the falsehood as to the enormous profits. This refutation is found on pages 2682, 2683, 2684, and 2686, respectively, of the record of the Hardwick hearings. Besides this refutation the Watsonville factory closed its doors and is now dismantled, the latter fact refuting the possible presumption that it had made such enormous profits.

There was also another reference made by the discredited Mr. Lowery as to the profits of the Union Sugar Co. at Bitteravia. The statement of Mr. John L. Howard, on page 685 of the hearings, and statements submitted to the Committee on Finance of the United States Senate of the Sixty-second Congress, he being president of that company, on page 690, is: "So that instead of the carefully misrepresented dividend of 100 per cent, we find an average dividend of the Union Sugar Co., resulting from its sugar business during the first 12 years of its existence, of 6 per cent per annum in cash and 51 per cent in stock." The Union Sugar Co. is ideally located; they own most of the land from which their beets are produced, the balance they are enabled by reason of their isolation to purchase at a much less price than the sugar fac-

ories which have competition. I believe the two instances mentioned above are the only ones cited as showing the enormous profits of the beet-sugar business, and I would state from my own experience that I do not believe such profits are possible even in an abnormal year of high prices.

Mr. Howard, with whom the writer is well acquainted, informed me that at no time in any year have the profits of their business per pound of sugar equaled that of the tariff levied. On pages 3964 and 3965 of the hearings of the Hardwick committee, in the statement of Mr. Rithett, president of the California and Hawaiian Sugar Refining Co., you will find an estimation of the character of Mr. Claus Spreckels as stated by a man who knew him.

In connection with the profits of the St. Louis Sugar Co. and the Southern California Sugar Co., before referred to, I desire to further bring to your attention the fact that both these companies are capitalized at small amounts, the St. Louis Sugar Co. at \$400,000 common stock and \$40,000 preferred stock, making the total capitalization at \$440,000. The Southern California Sugar Co. is capitalized at \$500,000, while our original investment was \$600,000, we having given a \$100,000 mortgage, payable in five years in equal annual payments. Of the latter we have from our earnings paid off \$60,000.

Mr. J. Ross Clark, vice president of the Salt Lake Railroad, and one of the owners and managers of the Los Alamitos Sugar Co., advises me that he does not consider a 10 per cent depreciation annually high enough. Each beet-sugar factory requires a large amount of machinery and is operated night and day through its manufacturing season, and the wear and tear upon the machinery and the perishable nature of the products dealt with make the amount of repairs each year high. If we are to keep pace with the improvements in other countries, we are compelled to make the necessary changes in machinery and the accompanying alterations in the plant. The object in view of all sugar factories is to reduce the cost of production.

The destruction of the beet-sugar factories in this country, which I believe to be inevitable if the Underwood bill or any free-trade measure on sugar is put through, will financially ruin people who, like myself, have invested their all therein. There are many small stockholders who have invested their savings; while not being ruined, they will incur losses which they can ill afford.

We in California could, if the industry were allowed to expand to its possible limits, produce all the beet sugar consumed in the United States. With the threatened tariff legislation and the uncertainty of the profits, we are not able to induce capital to invest in new enterprises and we are meeting with difficulties in financing those now in operation. None of the factories, so far as I know, have a surplus sufficient to conduct its own business without recourse to the banks for temporary loans during the manufacturing season. Our raw product—the beets—is our largest item of expense; they must be received and worked up at the proper time or they will spoil, and the farmers must be paid, and for that reason we require a large amount of money during the campaign operations, which would be idle the balance of the year if the companies were capitalized with working capital. Although our stock issue represents the amount of money invested in our plant, we require approximately an equal amount to carry on the business, which we obtain from banking sources. Those sugar factories which were built in California prior to 1909 and which own their own land or a large part of the lands from which they obtain their raw material, can possibly live with a lower rate of duty than those factories which buy their beets from the ranchers, as the former factories, and thereby save the profits which go to the growers. The destruction of the business of the latter factories will not only injure the stockholders of the company, but it will work equal and greater injury to these land-owners who are in possession of soils upon which beets are the only profitable crop. Thousands of acres of alkali land before the introduction of beet culture were used for pasturage for sheep and cattle and are now turned into profitable crop-producing lands, while there are some that have become subdued, or partially subdued, and some small crops may be raised thereon. There are others which would go back to their original state.

This season has been exceedingly unfavorable for alkali lands, and many acres have been lost and will this year become unproductive by reason of the destruction of the beet crop by the alkali.

I regret exceedingly—and I am joined by other people engaged in the sugar industry—that you did not return to California last summer. We had planned to give you an extensive trip, and show you the industry and what it means to those who are connected with the factories as well as those whose business and prosperity depend on their successful operation.

Through the industry we have converted sections which were known as swamps into veritable gardens in appearance, free from weeds and showing the effect of careful farming. If you could know the conversion of abandoned and uncultivated lands into utilized and productive farms, and the upbuilding of villages and cities resulting from the prosperity that has been wrought in California by the beet-sugar factories, I know that you would be with us in hearty opposition to any act or measure that would tend to retard or injure its continuation.

Aside from the factories and farmers' interests in the industry, and not second to either, is the matter of wages to the common laborer. Here in California the most of the farm labor is done by Mexicans, with a sprinkling of Japanese and East India Hindus; although most of these people are foreigners, they receive the American scale of wages. Last year, in 1912, laborers being scarce, these men were paid from \$2.50 per day up. The effect of these good wages upon the Mexican laborers in the past four years has been marked; they dress better, take better care of themselves, and are more orderly than formerly. It is unfortunate that we have no white laborers who will do this work; but there is almost a total absence of this class of labor in this part of California. Take it in the Middle States—in Michigan to Colorado—this hand labor is done by the farmers, their families, or school children. It has been slurringly referred to as degrading work, but I have never been able to see anything in the work performed that could be considered degrading or lowering in any way. The beets are thinned by people working on their hands and knees; consequently children can do that work better than grown people.

In those communities where there is not sufficient local help to perform that work the factories have gone to the cities and employed families to come to the fields to work. These latter generally consist of Europeans—Russians, Austrians, Bohemians, and Belgians.

There is another factor entering into the beet-sugar business which affects alike the factory and the beet grower. The character of the beets is a matter over which the man raising them has no control, for a man may keep his field clean and in good shape, thereby increasing the tonnage, but he can not in any manner control the quantity of sugar

in the beets or the purity of the beet itself. By purity of the beet we mean the relation of sugar to the total amount of solids in the juice of the beet. A good beet should be of 83 per cent purity, and any beet below 80 per cent purity is a poor beet. The foreign solids in the juice consists of salts and acids; when they are relatively high they prevent the sugar of the beet from crystallizing. In order that I may make myself clear, I will state that from a beet of 85 per cent purity it is possible to extract 80 per cent of sugar, but of a beet of 80 per cent purity it would be difficult to obtain 70 per cent of sugar in granulated form. If, as is occasionally the case, the purity of the beets is very low and it is a matter of climatic conditions or the soil, the factories will operate at a loss, whereas if the beets are of high purity the factory will be able to obtain a large extraction and make profits, irrespective of the price of sugar, which may be relatively low. Our profits are all made from the amount of sugar crystallized over and above the amount necessary to cover the cost of the beets and the cost of manufacture. If from beets testing 18 per cent sugar 260 pounds of sugar are obtained, the factory has paid the grower the price fixed upon of the amount of sugar in the beets, to wit, 360 pounds, whereas the factory has obtained but 260 pounds. The balance of 100 pounds is either a factory loss and has gone into the sewer or has become part of the molasses. Low purity means low extraction and a large quantity of molasses, while high purities are susceptible to high extraction.

The writer has been informed that the reason the Watsonville plant closed down was due to the fact that the beets raised by the growers were of such low purity that the elder Mr. Spreckels refused to accept and pay for them at the contract price, and made the growers stand the whole loss. They therefore refused to grow beets for his plant and compelled them to close it down, it since having been dismantled.

We here in California generally have from year to year a uniform summer climate, but there have been instances of early rains when a quantity of beets would deteriorate very rapidly and were at the end of the campaign worked at a loss. The character of the beets raised will often vary materially in a small area. The writer experienced one year in St. Louis in which the beets grown for that factory were of such inferior quality that we were able to extract a small amount of sugar, and only by reason of the high price of sugar were we able to escape a serious loss, while at the same time the Saginaw factory, located 30 miles to the east, harvested their best crop of beets known in the history of the institution.

The Holly Sugar Co., the writer was informed by its former manager, Mr. Wiley, having two plants, one located at Holly and one at Swink, in Colorado, in a locality known for its high quality of beets, after their plants were built the quality of the beets raised were so low that they operated a number of years at a loss. If our banner years are taken and the tariff based upon the results from operation during such periods, we may any year meet with such serious losses as to cripple, if not destroy, the operating company.

If there is no factor of safety permitted by the adjustment of the tariff, there can be no extension to the industry nor any assured life to the plants now in existence.

The writer has requested Mr. Palmer to assist you in every way possible in furnishing data and information concerning the sugar industry in other countries and in laws enacted for the upbuilding and preservation of the same.

Very respectfully,

F. B. CASE.

Mr. WORKS. Mr. President, the letter that has just been read to the Senate is a private letter. It was not written to be used in the Senate, and the writer of it had no knowledge that it would be used for that purpose. I have been endeavoring on my own account to satisfy my own mind on the subject and to ascertain what the facts are that are partially disclosed in this letter.

I have here another letter bearing upon the same subject and procured in the same way. It is from Mr. E. W. Mayo, who is manager of the Domestic Sugar Producers. I will ask to have this letter printed as a part of my remarks. I do not care to take up the time of the Senate by reading all these letters.

The PRESIDENT pro tempore. Unless there is objection, that will be the order. The Chair hears none, and it is so ordered.

The letter referred to is as follows:

WASHINGTON, D. C., April 30, 1913.

HON. JOHN D. WORKS,
United States Senate.

DEAR MR. SENATOR: The proposal to remove the duty on sugar involves the infliction upon the Western States of losses far greater than are to be measured by the destruction of their rapidly growing sugar-beet industry. The results already obtained prove that this crop is particularly well adapted to cultivation on the reclaimed land of these States, and the extinction of sugar-beet culture will deprive this whole territory of one of the most fruitful agencies for its rapid and prosperous development. In this connection we take the liberty of calling certain facts to your attention.

The last census showed that the 11 westernmost States had increased 66.83 per cent in population within the last decade, as compared with the average increase of 21.6 per cent for the entire country.

The greater proportionate increase in the Western States is largely due to the rapid advance made in irrigation through private and governmental agencies. In the Pacific Coast States great tracts of land formerly used for ranching or grazing purposes are now being subdivided and brought under intensive cultivation in orchards, vineyards, alfalfa, sugar beets, and other crops.

The United States Reclamation Service, only yet in its infancy, has 25 great irrigation projects either complete or in course of construction. When fully completed these projects alone will bring over 3,000,000 acres under a high state of cultivation, an area larger than the improved lands of New Jersey or of Massachusetts. It must also be remembered that 1 acre of this irrigated land has a productive power of double the area of the best nonirrigated lands in other sections of the country. The possibilities of agricultural development in the great West are almost limitless, provided an outlet can be found for such products as can profitably be grown under intensive cultivation, subject to high marketing charges.

The opening of the Panama Canal and the great exposition to be held at San Francisco in 1915 doubtless will attract many thousands of people toward the West. The canal will also provide new facilities

for the immigration of agricultural classes from the Old World. Already, it is said, arrangements have been made for the transportation of large numbers of people from the shores of the Mediterranean to the Pacific coast.

The one great problem in connection with the development of the West is transportation to the great consuming centers of the East. Local consumption of general farm and garden products must necessarily be limited for many years, except in the vicinity of the large Pacific coast cities. An export crop must therefore be produced—one that will find a ready market at destination. Thousands of acres are going into fruit, from the citrus groves of California to the apple orchards of the Northwest. Where is the market to be found for this increasing production? Surely there is a limit to the amount of fruit that the American people can consume. Even last year saw an overproduction of the apple crop of Washington and Oregon. Furthermore, with the proposed heavy cut in tariff rates, the products of the California groves will come into direct competition with the cheap importations from the Mediterranean, Cuba, and other tropical and semitropical countries.

The one great staple for which there is a constantly expanding market is sugar. The United States imports at the present time nearly 2,000,000 tons of sugar per annum from foreign countries, practically all from Cuba. Sugar is a staple for which there is always a market, and, if necessary, it can be stored for long periods with little deterioration. Furthermore, beet sugar is a finished product representing only about 15 per cent of the weight of the raw material from which it is produced; whereas in the case of fruit, alfalfa, and grain crops high freight charges to the eastern markets must be paid on the entire weight of the commodity just as it comes from the orchard or the field.

It has been demonstrated by years of experience that no section of the United States, in fact, no country in the world, is better adapted to the cultivation of the sugar beet than are the irrigated lands of the West. The production of sugar beets under irrigation for the first time in the world's history was commenced in Utah in 1891, and so successful has it been that 70 per cent of the total beet-sugar output of the United States is now produced in the Western States under irrigation.

It has been demonstrated also that the cultivation of sugar beets in rotation with alfalfa and grain crops increases the yield of the latter to such an extent as to make the production of cereals profitable even with the high cost of irrigation. The result is that while few new beet factories have been built within the past five years, the beet acreage has increased 25 per cent, and in some localities the factories have been compelled to turn away contracts for beets.

If sugar is placed on the free list, either now or three years hence, as proposed, it will give the eastern cane refiners, who import and now pay duty on their raw material, the absolute power to depress prices below the cost of the production of sugar beets as well as Louisiana cane. This they are anxious to do, as they are all alarmed at the encroachment of beet sugar in the eastern markets. For several months of each year, when beet sugar comes on the market, these big refiners either have to reduce the price of refined sugar or withdraw from the trade altogether until the beet sugar is disposed of, all of which tends to the lowering of prices to the consumer.

Free sugar in three years will be just as effective a death warrant for the domestic sugar industry as though the execution took place immediately, the only difference being that more time is allowed for the funeral arrangements. While the cost of production is gradually decreasing, and would further decrease with a large output, three years will make no appreciable difference under existing conditions. At the present time the eastern refiners are utilizing less than half the productive capacity of their plants, and it will be a simple matter for them to deal a death blow to the domestic production of sugar, as they will have the assurance of an absolute monopoly as soon as the domestic industry is annihilated.

In order that the beet-sugar industry may expand and become a greater factor in the development of the West new factories must be built. The beet growers themselves, as a rule, are pioneers, and whatever capital they possess is required in the improvement of their lands. Outside capital can not be secured for the erection of large factories after free sugar has given the eastern refiner a monopolistic control of market conditions. The inevitable result will be not only the abandonment of many of the present factories, but it will be the death knell of future expansion. This will mean that the thousands of acres now in beets, and which would be planted in beets in the future under conditions permitting this industry to expand, must go into fruit, alfalfa, and other general farm products, and will result in glutting a market already on the verge of oversupply.

The great fight for supremacy between the eastern cane refiners on the one side and the domestic producers of sugar on the other is now on. Those responsible for tariff legislation have it in their power to say whether the industry shall expand into one of the greatest factors in the upbuilding of the West, stimulated by immigration through the Panama Canal, or whether it shall be throttled and stagnation take the place of progress in a vast domain where the future holds so much of promise.

Respectfully, yours,

DOMESTIC SUGAR PRODUCERS,
E. W. MAYO, Manager.

Mr. WORKS. I also ask to have printed, without reading it, another letter, written by the secretary of the Chamber of Commerce of the city of Sacramento, Cal.

The PRESIDENT pro tempore. Unless there is objection, the request of the Senator from California will be granted. The Chair hears none, and it is so ordered.

The letter referred to is as follows:

CHAMBER OF COMMERCE OF SACRAMENTO,
Sacramento, Cal., May 1, 1913.

Hon. JOHN D. WORKS,
United States Senate, Washington, D. C.

DEAR SIR: Your letter of April 7 asking me our opinion regarding the effect a reduction on the sugar tariff to 1 cent would have upon the industry of California has been received.

In reply permit me to submit the following: The full duty on 96° sugar is 1.685 per 100 pounds. Most of the duty-paying sugar into the United States, however, comes from Cuba, which by reason of our reciprocity that country takes a preferential duty of 20 per cent less, 0.3370. Therefore on nearly all duty-paying sugar into the United States (96° sugar) there is a duty of 1.3480 per 100 pounds or \$26.96 per ton.

Under present market prices the California beet-sugar factories must figure their results about as follows:

To-day's price, duty paid, at New York and New Orleans for 96° raw cane sugar (Cubas) is per 100 pounds	\$3.39
Add difference between raw and refined (being manufacturers' cost and profit), say	.75
Price of cane, New York or New Orleans	4.14
Add freight, New Orleans to Missouri River	.33
Price for cane sugar, Missouri River	4.47
Deduct difference between cane and beet	.20
	4.27
Less 2 per cent	.0854
Price for beet sugar, Missouri River	4.1846
Now deduct freight from Pacific coast points to Missouri River	.55

Leaves to-day's net price realized f. o. b. factory in California. 3.6346

It therefore follows that if the tariff is reduced to 1 cent and 34 cents must be deducted from the net received by a California factory, then all they can expect to realize would be, say, 3.29, which is below the average cost at present, and which cost can only be further reduced by economy in the field and the perfecting of methods of agriculture and irrigation, all of which is in training and will finally result.

It could be argued that the present market prices for sugar are very low, but the man does not live that can forecast future values, dependent upon the law of supply and demand and the speculative position of the controlling markets, which continue to be Hamburg and London.

It therefore follows that any reduction in tariff is to the detriment of the beet-sugar plants and the development of the industry—sure to be injurious to the farmer and to the labor employed. To the students of economics it must be apparent that the way to reduce sugar to the consumer is to produce the consumption and then let competition do the rest.

Yours, very truly,

S. GLEN ANDRUS.

Mr. WORKS. Since this discussion was entered upon there has come into my hands a printed pamphlet entitled "Cost of producing sugar in the United States, Germany, Austria-Hungary, Russia, and Cuba." The compilation is by Mr. Truman G. Palmer, who, as is well known, has given great attention to this subject. In a brief way I wish to call attention to some of the information contained in the pamphlet.

On page 6 this statement appears:

The average price paid to farmers for beets in the United States, as given in the April issue of the Crop Reporter, issued by the Department of Agriculture, was \$5.50 per ton in 1911 and \$5.82 per ton in 1912. Direct reports from 65 factories show an average freight charge on beets paid by the factories of 43 cents per ton in 1911, 45 cents in 1912, and 41 cents per ton for agricultural expenses in 1911, 38 cents for 1912.

Thus the average cost of beets laid down at the factory gates in the United States was \$6.34 per ton in 1911 and \$6.65 in 1912.

Then follows a tabulated statement of the farmers' receipts for raw material. It shows that the farm price per ton of 2,000 pounds is in the United States \$5.82; Russia, \$3.90; Austria-Hungary, \$3.68, and Germany, \$4.14; and the average extraction of the beets is in favor of the European countries. In the United States it is 264.41; it is 316.98 in Russia; in Austria-Hungary, 315.20; in Germany, 328.30; and the average farm cost of 100 pounds of sugar is in the United States \$2.20; in Russia, \$1.23; in Austria-Hungary, \$1.16; and in Germany, \$1.26.

The table is as follows:

Farmers' receipts for raw material.

	Farm price of beets per 2,000-pound ton.	Average extraction of raw sugar per 2,000-pound ton of beets, 1907-1911.	Average farm cost of 100 pounds of sugar in the beet.	United States farm cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
United States	\$5.82	264.41	\$2.20	—
Russia	3.90	316.98	1.23	\$0.97
Austria-Hungary	3.68	315.20	1.16	1.04
Germany	4.14	328.30	1.26	.94

In another table following this is another statement that should be of interest in determining the question as to the rate of tariff to be imposed upon sugar or whether it shall be placed upon the free list. It gives the cost of beets per ton, the average extraction of raw sugar per ton of beets from 1907 to 1911, the average cost of 100 pounds of raw sugar in the beet, and the United States cost per hundred pounds of raw sugar in the beet in excess of cost of other countries. I am not going to take up the time of the Senate in reading the table, but I do desire to incorporate it in my remarks and make it a part of them without reading.

The VICE PRESIDENT. The Chair hears no objection, and that will be done.

The matter referred to is as follows:

Factory cost of raw material.

	Cost of beets per 2,000-pound ton.	Average extraction of raw sugar per ton of beets, 1907-1911.	Average cost of 100 pounds of raw sugar in the beet.	United States cost per 100 pounds of raw sugar in the beet in excess of cost in other countries.
UNITED STATES.				
Average price paid farmers in 1912.	\$5.82	Pounds.		
Average freight paid by factories.	.45			
Average agricultural expense incurred by factories.	.38			
Total per ton.	6.65	264.41	\$2.51	
RUSSIA.				
Average price paid for beets in 1911.	3.90			
Assuming for freight as in Austria.	.20			
Total per ton.	4.10	316.98	1.29	\$1.22
AUSTRIA-HUNGARY.				
Bohemia, 1913 contract price at receiving stations.	3.68			
Contract price delivered at factory.	3.88	315.20	1.23	1.28
GERMANY.				
Average cost, purchase beets, 1904 to 1910.	4.44			
North Germany, average 1913 contract price purchase beets, delivered at factory gates.	4.34	328.30	1.32	1.19

Mr. WORKS. Then follows another very interesting table.

Mr. THOMAS. May I ask the Senator the title of the pamphlet from which he is reading?

Mr. WORKS. I have given the title.

Mr. THOMAS. There was so much confusion in the Chamber I did not catch it.

Mr. WORKS. There is generally confusion in the Chamber. The title of it is "Cost of producing sugar in the United States, Germany, Austria-Hungary, Russia, and Cuba," compiled by Truman G. Palmer.

Then follows another table entitled "Factory cost of raw material by States." This table very clearly shows the difference in the amount paid by the State of California as compared with other States. The average cost of beets per ton laid down at the factory is stated as follows:

California, \$7.29; Utah and Idaho, \$5.80; Colorado, \$6.79; Michigan, \$6.52; Ohio, Indiana, Illinois, and Wisconsin, \$6.43; and other States, \$6.64.

The amount of raw sugar extracted per ton of beets is in California, 312.91; Utah and Idaho, 271.63; Colorado, 270.41; Michigan, 253.63; Ohio and the other States named, 251.28; and other States, 251.19.

The cost per hundred pounds of extractable raw sugar in the beet is in California \$2.33; Utah and Idaho, \$2.13; Colorado, \$2.51; Michigan, \$2.57; Ohio and the other States named, \$2.55; and other States grouped, \$2.64, as shown by the following table:

Factory cost of raw material, by States.

	Average cost of beets per ton, laid down at factory, 1912.	Raw sugar extracted per ton of beets, 1907-1911. ¹	Cost of 100 pounds of extractable raw sugar in the beet.
Pounds.			
California.	\$7.29	312.91	\$2.33
Utah and Idaho.	5.80	271.63	2.13
Colorado.	6.79	270.41	2.51
Michigan.	6.52	253.63	2.57
Ohio, Indiana, Illinois, and Wisconsin.	6.43	251.28	2.55
Other States.	6.64	251.19	2.64

¹ Based on the assumption that 100 pounds of raw sugar is equivalent to 107 pounds of refined.

There is another interesting table giving the gross return to farmers per acre. Without reading the whole of it, it shows returns in Russia per acre at \$3.90 per ton, \$27.79; Austria-Hungary, \$3.68 per ton, \$42.21; Germany, at \$4.14 per ton,

\$55.35; and the United States, at \$5.82 per ton, \$58.95, as follows:

Gross returns to farmers per acre.

Russia, 7.126 tons per acre, at \$3.90 per ton.	\$27.79
Austria-Hungary, 11.47 tons per acre, at \$3.68 per ton.	42.21
Germany, 13.37 tons per acre, at \$4.14 per ton.	55.35
United States, 10.13 tons per acre, at \$5.82 per ton.	58.95

There is still another table that should be taken into account. It shows the tons of beets per acre, the price paid, and the gross returns per acre. It shows that California grows 10.37 tons per acre; Utah and Idaho, 11.32; Colorado, 10.64; Michigan, 8.58; Wisconsin, 10.2; and other States, 9.7.

The price paid to the farmers per ton for beets in 1912 was: California, \$6.46; Utah and Idaho, \$4.97; Colorado, \$5.96; Michigan, \$5.69; Wisconsin, \$5.60; and other States, \$5.81, as shown by the following table:

	Beets per acre, 1907-1911.	Price paid to farmers per ton for beets in 1912.	Gross returns per acre.
Tons.			
California.	10.37	\$6.46	\$66.99
Utah and Idaho.	11.32	4.97	62.57
Colorado.	10.64	5.96	63.41
Michigan.	8.58	5.69	48.82
Wisconsin.	10.02	5.60	56.11
Other States.	9.07	5.81	52.69

¹ Under new classification by Department of Agriculture this is the average price paid in Wisconsin, Indiana, Ohio, and Illinois.

It will be seen, Mr. President, that in all these comparisons, whether it relates to the subject of the amount of wages paid or any other expenditure on the part of the beet growers themselves, California is paying higher prices than any other State in the Union. It shows also, in comparison as between this country and other countries, that the United States is paying more for labor and other expense than any other nation. It appears that in the State of California the best wages and the highest price for beets are paid, as compared with any other locality in the world.

Then, coming down to the question of the cost of farm labor in the beet fields of the United States, there is this statement, a part of which I shall read and all of which I shall desire to incorporate in my remarks without reading:

COST OF FARM LABOR IN THE BEET FIELDS OF THE UNITED STATES AND IN EUROPE.

The United States Department of Agriculture recently issued a bulletin on the cost of farm labor in 1912, in which it was stated—

Mr. President, it should be observed that this relates to farm wages generally—

wages now, compared with the average of wages during the eighties, are about 53 per cent higher; compared with the low year of 1894 wages now are about 65 per cent higher. The current average rate of farm wages in the United States, when board is included, is—by the month, \$20.81; by the day, other than harvest, \$1.14; at harvest, \$1.54. When board is not included the rate is—by the month, \$29.58; by the day, other than harvest, \$1.47; by the day, at harvest, \$1.87.

That is the end of the quotation.

An analysis of the labor figures as given in the March Crop Reporter of the department shows that the average wage of day laborers on the farms in the 16 sugar-beet States in 1912 was \$2.45 at harvest time and \$1.95 at other seasons of the year.

So it will be seen that the average wage paid is far in excess of the amount paid in Colorado, according to the statement of the Senator from that State. Reading further from the pamphlet it says:

From 76 direct reports received from the various beet-growing sections, I found that the average daily wage in the beet fields was \$2.21; the average daily earnings of pieceworkers, \$3.25.

A comparison of these wages with the wages paid in the beet fields of Europe is illuminating.

The wage rate for agricultural laborers in Poland is 26.2 cents per day for men and 20.6 cents for women, while the German wage rate is the highest to be found in the three great European beet-sugar producing countries. Due to the introduction of sugar beets and the other root crops which followed and were introduced in the rotation, the acreage yield of cereal crops in Germany has been more than doubled, and instead of assisting emigration, because of inability to feed a population of 30,000,000 people, Germany to-day, with a population of 65,000,000 people, annually imports 800,000 seasonal workers to help till her fields and work in her shops.

Sixty-seven per cent of these workers come from certain provinces of Russia and Austria, the other two great sugar-producing countries, attracted by the higher wage which prevails in the German Empire.

Due to a semi-official immigration bureau and to strict passport regulations which prevent an emigrant from living in any portion of the German Empire save the particular place for which he or she is booked, the wage is fixed and regulated to a nicety. Of late, certain districts of other countries which need workers have been bidding against Germany.

Then follows a statement showing the amount of wages paid in European countries. In Germany it is 41.4 cents per day; Denmark, 45.2 cents; Prague, 41.1 cents; Vienna, 41.1 cents; Crakow,

42.1 cents; as to women, Germany, 36 cents; Denmark, 35.4 cents; Prague, 36.1 cents; Vienna, 36.9 cents; and Crakow, 38 cents.

The statement is as follows:

The director of the German labor bureau gives the following as the standard wage when all allowances have been converted into money:

For men.

Germany, 1 mark 74 pfennigs per day (41.4 cents U. S.).
Denmark, 1 mark 90 pfennigs per day (45.2 cents U. S.).
Prague, 1 mark 73 pfennigs per day (41.1 cents U. S.).
Vienna, 1 mark 73 pfennigs per day (41.1 cents U. S.).
Crakow, 1 mark 77 pfennigs per day (42.1 cents U. S.).

For women.

Germany, 1 mark 51 pfennigs per day (36 cents U. S.).
Denmark, 1 mark 49 pfennigs per day (35.4 cents U. S.).
Prague, 1 mark 52 pfennigs per day (36.1 cents U. S.).
Vienna, 1 mark 55 pfennigs per day (36.9 cents U. S.).
Crakow, 1 mark 60 pfennigs per day (38 cents U. S.).

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I yield to the Senator.

Mr. SIMMONS. I should like to inquire of the Senator from California whether it appears in the document from which he is reading that the rates he has just read as prevailing in certain countries in Europe include board or are without board?

Mr. WORKS. I am not certain whether it does or not. The quotation that I shall make, I think, will disclose that fact. The Senator will notice that in giving the amounts paid from the portion I have read the amount when board was included and when it was not included was shown.

Mr. SIMMONS. I thought the Senator gave that as to wages in California.

Mr. WORKS. No; it was as to wages generally.

Mr. SIMMONS. I did not know but that was the case as to the rates he gave in Europe.

Mr. WORKS. Mr. President, bearing upon this question of the employment of foreign labor, I have here a letter from a resident of Oxnard, Cal., which I should like to read. The writer says:

OXNARD, VENTURA COUNTY, CAL., April 24, 1913.

HON. JOHN D. WORKS,
Senate Chamber, Washington, D. C.

DEAR SIR: In speaking of the sugar-beet business a correspondent of the Los Angeles Tribune recently said: "If the grower, as a rule, would employ American labor in the place of cheap Asiatic labor, he would no doubt receive more sympathy from the consuming public."

Under ordinary circumstances a misleading statement like this would pass unnoticed; but as the beet business is still in its infancy and yet is destined to play such an important part in our political and business affairs, we should all try to understand it aright. The fact of the matter is that the sugar beets make so much field work that there is scarcely sufficient "American labor" to bring the crop up to that stage where the "cheap Asiatic labor" is able to take hold of it. At this stage of the crop the call for labor is generally so urgent that the farmer never thinks of asking any questions as to nationality or color. All he thinks about is getting his beets thinned and hoed or topped, and he generally pays a first-class price, and if he gets even second-class work he esteems himself more than lucky. If a person wants to see "cheap labor," they should never look in a beet field, because it's not there. These "cheap laborers," who top beets by the ton, sometimes make from \$5 to \$7 in a day.

The sugar beet is really one of the most wonderful plants we possess. It makes more work, puts more money into circulation, and brings more land under intensive cultivation than anything else we grow. Suddenly eliminate this one crop from our fields and the wages of farm labor would immediately fall, and upon the heels of labor would fall the price of several of our farm products. And with stagnation in the country from whence would the cities draw their prosperity?

A beet farmer produces one crop but is a very large consumer of several, among his heaviest items of expense being hay, grain, horses or mules, farm implements, and labor.

I feel that it is not only the duty of the Government to protect the cultivation of the sugar beet, but that it would be showing the greatest wisdom by fostering and encouraging this industry by every means in its power.

Respectfully, yours,

JOHN EASTWOOD.

Now, Mr. President, I have found it necessary at this stage to present thus briefly the facts so far as they relate to my own State, and in comparison with the rates that are paid as compared not only with other States but with other nations as well.

I am not going to enter into a discussion of the tariff bill in any general sense. There is left, however, the question as to whether the beet growers in California are making exorbitant profits out of their business. There is really no foundation for this statement, except the testimony of Mr. Spreckels, as relating to one beet factory alone, and his statement in that respect was pure hearsay. He simply said that his father had told him so, and there has been ample evidence produced at various times showing the falsity of his statement as compared with that one factory.

I want to call the attention of the Senate to a part of the testimony that was given on this subject by Mr. Howard, whose name was mentioned in the first letter that was read, which I

think will explain how this mistake, if it was a mistake, came about. He says:

It may be well at this point to explain the much-advertised and phenomenal dividend of 100 per cent declared by the Union Sugar Co. in 1911.

At the end of 1910 the issued share capital was \$1,265,000, and during the previous 12 years of the company's existence there had accumulated an undivided surplus of \$1,440,101.57, not in cash but represented by property and equipment.

Of this amount, \$607,678.65 was due partly to assessments paid upon the stock and partly to profit on the sales of land which had been leased with the privilege of purchase.

Senator SMOOT. Pardon me. You say that seven hundred and some odd thousand dollars came from assessments?

Mr. HOWARD. \$607,000 was partly due to assessments and partly due to profits on the sales of land.

Senator SMOOT. What assessments were they?

Mr. BALLOU. Two and a half dollars a share, three times; seven and a half dollars a share were paid on those assessments.

Senator SMOOT. The assessments were made for what purpose? To increase the capital stock or to provide for losses you had made?

Mr. HOWARD. It was not for the purpose of issuing stock. The assessments were made to pay for losses and new equipment.

Senator SMOOT. That is what I wanted to find out.

Mr. HOWARD. The soil was found to be too light and sandy for sugar beets, but admirably adapted for beans, which crop for several successive years had commanded such high prices as to create a strong demand for suitable land. Availing ourselves of existing conditions the company exercised its option, subdivided and resold the land, reinvested the proceeds in other localities, and credited the profits.

The balance of the surplus, \$832,422.42, was contributed during the 12-year period by the sugar business.

To compensate the share owners for assessments, land and sugar profits, which had gone into property investments, a stock dividend equal to the outstanding share capital as of December 31, 1910, was declared and paid.

But cash dividends had previously been paid totaling \$895,780, or an average of nearly \$75,000 per year, equal to nearly 6 per cent per annum on the outstanding capital on December 31, 1910.

If, then, we take the \$832,422.42 contributed by the sugar business to the undivided profits, and which was capitalized by this stock dividend, it will be found to average, during its 12 years of accumulation, \$69,368.53 per year, which is equal to 5.5 per cent on the share capital on December 31, 1910.

So that instead of the carefully misrepresented dividend of 100 per cent, we find an average dividend of the Union Sugar Co. resulting from its sugar business during the first 12 years of its existence of 6 per cent per annum in cash and 5½ per cent in stock.

But, Mr. President, it is fair to say that the stock of the company was practically worthless, as is suggested in the testimony of Mr. Howard. It was found that the land in that section was not suitable to beet growing. They realized some of their so-called profits by selling the land to be devoted to other purposes, and this beet-sugar factory, that is alleged to have made profits to the extent of 100 per cent, has gone out of business because it could make no profits at all, and the plant itself has been dismantled.

Now, sir, I think I have said all I desire to say at this time.

Mr. SIMMONS. Mr. President, for information, I should like to ask the Senator from California one question. What is the market value of the beet lands of California?

Mr. WORKS. I am not able to state that accurately, but I will do so before this matter is disposed of. I should say, however, such lands are worth in the neighborhood of \$200 an acre.

Mr. SIMMONS. What was the market value of those lands before they began to be cultivated in beets?

Mr. WORKS. That depended very much on the kind and quality of the land. There are some lands there that are practically worthless; they are what we call out in our State alkali lands. Such land is impregnated with alkali until it would not grow any other crop, so far as has been discovered, except the sugar beet. The result of growing beets upon the land has been to reclaim it from that condition, and to make it valuable land not only for the purpose of growing beets but for the growing of other crops as well.

Mr. SIMMONS. So that the beet grower not only gets a profit upon the sale of his beets, but he gets a large profit in the enhanced valuation of his land by reason of the fertilizing effects of beet growing?

Mr. WORKS. So far as it applies to that kind of land, yes; but not always. The beet land, I may say to the Senator from North Carolina, does not differ, so far as prices are concerned, from other farm lands in California.

Mr. SIMMONS. The Senator means the price of the beet lands does not differ?

Mr. WORKS. Not materially.

Mr. SIMMONS. I should like to ask the Senator from California if the beet lands have not increased in value since the beginning of beet culture in that State more rapidly than have the lands cultivated in other crops?

Mr. WORKS. Cultivated in other crops? Yes; but—

Mr. SIMMONS. I mean crops outside; I will say citrus-fruit crops.

Mr. WORKS. I think that would be so with respect to lands that are used for the purpose of growing grain and like crops,

but the land is of greater value for beet growing than for those purposes.

I will say to the Senator from North Carolina that I am probably not prepared to give him accurate information on this subject at this time. I would not want to mislead him; but I shall be able to give the necessary information at the proper time.

Mr. SIMMONS. Could the Senator now give me some information as to the labor cost of cultivating an acre of land in beets?

Mr. WORKS. No; I am not able to do so other than is done in these tables which are given. I am not a beet grower or a beet manufacturer. I am just like the Senator; I have to get my information from other persons, as best I can, and I have endeavored conscientiously to do that from all sources where I thought I could get accurate and reliable information. Further along I expect to lay that information before the Senate.

I have risen now simply for the purpose of meeting some of the statements that were made which I felt reflected upon my State with respect to the payment of wages and the price paid for the beets.

Mr. SIMMONS. I want to say to the Senator that I am asking these questions because I know he would not answer me unless he had information that was entirely satisfactory to himself.

Mr. WORKS. I would not, I hope.

Mr. SIMMONS. And I hoped that the Senator might have that information.

Mr. WORKS. As I have already stated to the Senator, I have not the information at this time.

Mr. MARTINE of New Jersey. I wish to introduce a bill—

Mr. SIMMONS. I hope the Senator will not attempt to do so at this time. I am afraid, if the Senator does that, other Senators will desire to do the same thing, and we may be interrupted in the discussion of the pending question.

Mr. MARTINE of New Jersey. Very well; I will withhold it.

The VICE PRESIDENT. The question is still on the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE] to the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] to the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. GALLINGER. As I understand the matter, Mr. President, the Senator from Pennsylvania desires to incorporate in his amendment the amendment of the Senator from Wisconsin, so that the question will be put as on one amendment.

The VICE PRESIDENT. As one amendment. The Chair so understands. There being no objection, that will be done.

Mr. THOMAS. Mr. President, I shall not at this time enter into any general discussion of what is popularly known as the sugar question. The debate upon the motion to refer this bill to the Finance Committee has, however, brought into the question some phases which may as well, so far as I am concerned, be discussed now as at any other time. One of them involves the rate of wages which prevails in the sugar-beet industry. That discussion was precipitated by the Senator from Michigan [Mr. SMITH] in his general insistence upon the amendment of the Senator from Pennsylvania [Mr. PENROSE]. During that discussion something was said, among others by myself, about the wage rate in the beet fields of the West, which has given rise to a somewhat interesting series of events culminating in the receipt of a good deal of information upon the subject from various sources throughout the West.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from North Carolina?

Mr. THOMAS. I do.

Mr. SIMMONS. I make the point that there is no quorum present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Shively
Bacon	Hughes	Norris	Simmons
Borah	James	O'Gorman	Smith, Ariz.
Brady	Johnson, Me.	Overman	Smith, Ga.
Bristow	Johnston, Ala.	Owen	Smith, Mich.
Bryan	Kenyon	Page	Stephenson
Catron	La Follette	Perkins	Stone
Chamberlain	Lane	Pittman	Swanson
Clark, Wyo.	Lea	Pomeroy	Thomas
Clarke, Ark.	Lewis	Ransdell	Thompson
Crawford	Lippitt	Reed	Tillman
Cummins	McLean	Shafroth	Townsend
Fall	Martin, Va.	Sheppard	Vardaman
Gallinger	Martine, N. J.	Sherman	Williams
Goff	Myers	Shields	Works

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is engaged outside the Chamber on important Government busi-

ness. He is paired with the Senator from Florida [Mr. FLETCHER].

Mr. BRYAN. I desire to say that my colleague [Mr. FLETCHER] is necessarily absent. He is paired, as has been stated, with the Senator from Wyoming [Mr. WARREN].

Mr. RANDELL. I desire to announce that my colleague [Mr. THORNTON] is too unwell to be present in the Senate to-day.

Mr. SHEPPARD. I wish to state that my colleague, the senior Senator from Texas [Mr. CULBERSON] is necessarily absent. He is paired with the Senator from Delaware [Mr. DU PONT].

Mr. HOLLIS. I desire to state that the junior Senator from Delaware [Mr. SAULSBURY] is detained on important public business.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Colorado will proceed.

Mr. THOMAS. Mr. President, I had stated at the time of the roll call that a great deal of information had been obtained upon this phase of the question under discussion since the debate upon it began on the 9th day of May. My purpose is not to detain the Senate by a recital of all of the matter which has reached my own hands, some of which came voluntarily and some of which was solicited, but, rather, to discuss some other phases of the labor question as connected with this industry, which, to my mind, are as important as the mere matter of wages, if not more so.

I took occasion last Monday, I think, to correct a statement which I had previously made and which I had hazarded as to the wage rates in the beet fields of my own State. I intended, in that connection, to call attention to an equally conspicuous error of my distinguished friend from Michigan [Mr. SMITH], who, in the course of his remarks upon the 9th instant, said:

You have got to pay the laborer who works in the beet fields, on an average, \$2.75 a day, while the peon who works in the sugar fields of Cuba, who wears a clout upon his stomach and not even a hat upon his head or shoes upon his feet, does not get over 10 cents a day; and you propose to pit the farmers and the laborers upon the farms in that industry against such labor as that.

Here is a statement of a wage rate which is lower than anything that ever occurred to me as being possible, either in Cuba or outside of it. Yet my regard for the learning and generally accurate statements of my distinguished friend from Michigan was such that I did not feel warranted in challenging the assertion at the time it was made.

Since then I have made some investigation of the subject—a very slight one, because the information I desired came from another source. In the House of Representatives, on the 28th of April, Representative HARDWICK, in discussing this phase of the tariff question, compared the wage rate in this industry as between the State of Louisiana and the Republic of Cuba, and at page 731 of the RECORD he gave it in these words:

The labor cost in factories in Cuba and Louisiana is practically the same, and for field labor Louisiana pays hardly as much as is paid in Cuba. It appeared in the sworn testimony before the special committee that in Louisiana the sugar planters pay the following rates for field labor: Seventy-five to eighty cents to men per day, 75 cents per day to women, and \$1 per day in harvesting time; whereas in Cuba for the same class of labor the planters are paying from \$1 to \$1.25 per day, and in Cuba the women do not work in the fields. So it seems to me that the equalization of labor cost is not involved in this proposition.

Thus, the record discloses estimates of wage rates which are mutually erroneous and that the head and front of my offending seems to be both equalized and offset in this discussion by the remarkable assertion of the Senator from Michigan.

Mr. SIMMONS. Mr. President, I did not hear the Senator's statement as to what the Senator from Michigan said was the prevailing wage in the cane fields of Cuba.

Mr. THOMAS. Ten cents a day.

I shall not take serious issue with any of the Senators from the beet-sugar States upon or as to the question of per diem rates of wages in the beet fields beyond calling attention to some facts in my own possession and to the nature of that labor as I understand it.

It is what is called contract labor, or hand labor, and is a prime essential to the successful cultivation of the beet. The prevailing rate is \$20 an acre. It is done by field hands, generally speaking, operating as a sort of colony or in company with each other and under the direction of a head man. It is evident, therefore, that the wage rate depends very largely upon the capacity of the contractor and his employees and the amount of labor performed by them within a given time. Inasmuch as this labor is frequently performed by women and children as well as by men, it is difficult to say what the wage rate is, unless it be calculated upon some basis which takes these things into consideration.

Another phase of the matter is that the work is not confined to any specific number of hours, and is labor of the most exacting and back-breaking sort. There is nothing disgraceful about it; there is nothing dishonest or dishonorable about it; but it is hard work of the lowest quality, done in the broiling sun, and which must be done, as I am informed, as the progressive growth of the crop requires it. Those engaged in it toil from daybreak until darkness, and sometimes beyond, thus embodying not 8 hours, but 10, 14, and 16 hours out of 24. It is this sort of day labor of which men speak when they assert that it commands \$2 and \$2.50 per day. Measured by the 8-hour standard instead of 12 or 14, the figures would, of course, be considerably less.

Upon this subject the labor commissioner of my State reports—and I am perfectly willing to take his statement—that “the contracts are \$20 an acre for thinning, two hands pulling and topping beets, all contract work, foreigners only employed. All the family work 16 hours a day, about \$1.50 each, and board themselves.”

In view of the fact that I inquired of the junior Senator from California [Mr. WORKS], on the 9th instant, as to the class of employees in this work in his section of the country, I deemed it only proper to ascertain from the labor commissioner of that State what the facts were. My inquiries were as to the nationality of the labor employed in that State, as well as to its compensation, and this is the reply which I have received from him:

C. S. THOMAS,
Highlands, Washington, D. C.:

Help employed on beet farms in California, 1910. Japanese represented 66 per cent; Chinese, Mexicans, Hindus, 12 per cent. Large acreage controlled by Japanese, who only employ Japanese help. Work done for others under contract. Wages for weeder, \$1.50; toppers and loaders, \$1.93 per day, without board.

And although he does not say so, I assume that the hours of labor are equally exacting as elsewhere.

I stated the other day that this labor was largely, if not entirely, foreign in its character. The Senator from California [Mr. WORKS] seems to infer that this statement carried with it something of a reflection upon those who were engaged in this line of employment. It was far from my intention to cast the slightest reflection upon these people. The fundamental assertion—I will not call it argument—of the protectionists of the hour is that their system of duties, by means of and through which the masses of this country are taxed for the benefit of the few, elevates and dignifies American labor by giving to the American wage earner the opportunity to receive proper compensation for his labor, and thus enables him to support his family in comfort and to educate his children, thus making theirs a life of opportunity of which they need only take advantage to elevate themselves to the pinnacle of American citizenship. But if the citizen is, as I contend, supplanted in many lines of protected industry, and ultimately will be in all of them, by the substitution of a cheaper imported labor, this assertion can not be true.

I therefore referred to the nationality of this particular class of labor in order to focus attention upon a fact that I think is applicable to every highly protected industry in this country, which is that it has driven and is driving out of employment our own citizens and substituting in their places the hordes of foreigners against whom there is no duty and from the resources of which these great interests may at all times draw their supplies. My contention was that the beet-sugar industry was no exception to this general rule; that the class of labor which was to be protected by a continuation of existing conditions was that class of labor, to a large extent, which has recently necessitated so much diplomatic intercourse, if I may so term it, between the central powers at Washington and the governor and the Legislature of the State of California, with whose action I have abundant sympathy, and with whose policy I can find no fault, because California is face to face with a condition which is largely based upon the operation of our protective system, its greed and overcapitalization prompting it to exploit the laborer and the material man at one end of the line, while exalting prices to the consumer at the other.

This was the chief reason and motive which I had in focusing attention upon that particular phase of the situation. My attention was called to it a year or two ago, if I remember correctly, by reading an article entitled “Beet sugar and the tariff,” by Prof. Taussig, of the chair of economics in Harvard University, in which he says:

No machinery has been devised that serves to dispense with the large amount of hand labor called for. Several attempts have been made to construct a mechanical device by which the beets can be topped, thus saving a large expense, and perhaps a successful device of this kind may some day be invented. So far as is known at the present time, however, this process has not been successfully accomplished by machinery,

and the topping must still be done by hand. “Inventive ingenuity in Europe and especially in America,” said the special agent of the Department of Agriculture in 1906, “has been directed to planning a harvester which will do away, as far as possible, with this expensive hand work. * * * It can not be said that any of these newly devised implements works successfully in all soils.” In 1909 he reported that “these machines are not now in general use, but their use is increasing,” and he still laid stress on the need of elaborate hand cultivation.

It follows that the successful growing of the sugar beet calls for a large amount of monotonous unskilled labor; no small part of it labor that can be done by women and children, and that tempts to their utilization. In the documents of the Department of Agriculture there is constant reference to the peculiar labor problem confronting the farmer who sets out to raise sugar beets. “As a rule the farmer, if he grows beets to any extent, does not have on his farm sufficient labor to take care of the work of thinning, bunching, hoeing, and harvesting the sugar beets.” Not only does the typical American farm and farm community lack the number of laborers required; the labor itself is of a kind distasteful to our farmers. “Thinning and weeding by hand while on one’s knees is not a work or posture agreeable to the average American farmer. Bending over the rows and crawling along them on one’s hands and knees all day long are things that the contracting farmer is sure to object to as drudgery. * * * Our farmers ride on their stirring plows, cultivators, and many implements.” As was remarked by one of the witnesses before the Ways and Means Committee at a tariff hearing, “The thinning and the topping of the beets, it is pretty hard to get our American fellows to do, and they prefer to hire the labor and pay for it.” The Kansas State Board of Agriculture informs its constituents “If the American farmer is to realize all possibilities in raising sugar beets, he will do so through his ability as a superintendent and not as a drudge.”

The manner in which this need of extra labor has been met is instructive not only as regards the beet-sugar situation itself but also as regards the general trend of industry in the United States during the last generation.

That is the subject to which I have just referred, the general trend of industry toward the employment of a class of labor that is un-American.

Almost everywhere in the beet-sugar districts we find laborers who are employed or contracted for in gangs; an inferior class, utilized and perhaps exploited by a superior class.

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The hour of 2 o’clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 37, authorizing the investigation of conditions in the Paint Creek coal fields, West Virginia.

Mr. KERN. In the remarks I made yesterday, which have not yet been printed, I inadvertently omitted a quotation from a speech of Gen. Garfield in the Milligan case before the Supreme Court March 6, 1866. It is a short quotation. I ask unanimous consent for leave to insert it in its appropriate place in my remarks.

The VICE PRESIDENT. If there is no objection, that may be done.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. KERN. I was asking unanimous consent to insert a quotation in the speech I delivered yesterday.

The VICE PRESIDENT. There being no objection, that may be done.

Mr. SMOOT. Would the Senator object to having it read, so that it may be answered if anybody desires to answer it?

Mr. KERN. Yes; I will read it.

Mr. SMOOT. I have no objection to the insertion, only I thought it would be better, perhaps, to read it.

Mr. KERN. The quotation is as follows:

Your decision will mark an era in American history. The just and final settlement of this great question will take a high place among the great achievements which have immortalized this decade. It will establish forever this truth of inestimable value to us and to mankind: That a republic can wield the vast enginery of war without breaking down the safeguards of liberty; can suppress insurrection and put down rebellion, however formidable, without destroying the bulwarks of law; can by the might of its armed millions preserve and defend both nationality and liberty. Victories on the field were of priceless value, for they plucked the life of the Republic out of the hands of its enemies; but

“Peace hath her victories
No less renowned than war.”

And if the protection of law shall by your decision be extended over every acre of our peaceful territory, you will have rendered the great decision of the century.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution, adopted by the General Court of the Commonwealth of Massachusetts, which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1913.

Resolution relative to the sale by the United States Government of a certain tract of land in the city of Chelsea.

Resolved, That the General Court of Massachusetts hereby requests Congress to pass such a measure as may be necessary to procure forthwith the sale by the United States Government of a certain tract of land in the city of Chelsea, formerly used for the purposes of a powder

magazine, and such parts of the naval-hospital grounds in the said city as are undesirable for hospital purposes, the Secretary of the Navy having been authorized in the year 1906 to sell the aforesaid land.

HOUSE OF REPRESENTATIVES, February 14, 1913.

Adopted; sent up for concurrence.

JAMES W. KIMBALL, Clerk.
SENATE, February 19, 1913.

Adopted; in concurrence.

HENRY D. COOLIDGE, Clerk.

A true copy.

Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

The VICE PRESIDENT presented a joint memorial of the Territorial Legislature of Alaska, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY FOR THE DISTRICT OF ALASKA,
JUNEAU, ALASKA.

UNITED STATES OF AMERICA, Territory of Alaska, ss:

I, William L. Distin, secretary of the Territory of Alaska, do hereby certify that the annexed copy is a full, true, and complete transcript of senate joint memorial No. 9 of the Alaska Territorial Legislature. In testimony whereof I have hereunto set my hand and affixed the great seal of Alaska at Juneau, this 17th day of April, A. D. 1913.

[SEAL.]

WM. L. DISTIN,
Secretary of Alaska.

Senate joint memorial 9.

To the President of the United States of America, greeting:

We, your memorialists, the Legislature of the Territory of Alaska, the youngest and smallest Territorial legislative body within the confines of the United States, representing a larger and richer area of land than any similar body of men heretofore under the American flag, do most earnestly request you to consider the within statements and take action thereon.

About 16 years ago the first great rush was on to the interior of Alaska. Previous to that time southeastern Alaska had been settled to some extent and fishing and mining had been carried on as a business, notably in the vicinity of Juneau, the capital of the Territory. The mammoth Treadwell gold mine had been partially equipped and some other smaller mines put in operation. All of the settlements and development of consequence were at that time along the coast line and easy of access. About the date mentioned above gold in placer deposits and quartz veins, coal in vast quantities, and oil were discovered in the interior of Alaska. People from every State in the Union located and purchased mining claims under the laws of the United States and proceeded to operate some of them under the same legal rights as citizens of the United States had done throughout all the mineral-bearing States of the West, but under much harder conditions.

Of the resources of Alaska there can be no question. First, the placer belts are large and scattered from Cook Inlet to Fairbanks, Iditarod, Kuyukuk, Candle, Nome, and other camps; and aside from the richer grounds, there are thousands upon thousands of acres of low-grade placer ground that can not be worked at a profit under present high cost of transportation of supplies and fuel. Second, the quartz gold condition is receiving much attention, and along the seacoast it is now developing into a large and profitable business. The quartz gold, however, is not confined to the coast. Slowly quartz mines are being developed in the interior, and under more favorable transportation and fuel conditions would forge ahead by leaps and bounds. Third, both on the coast in certain places and in the interior there are numerous copper mines. Those near the coast can be and are worked at a profit. Nevertheless they are handicapped in many places on account of the high cost of fuel necessary for the generating of power for mining and smelting. Taking up the copper mining of the interior, we find a far different proposition. The fuel question is prohibitive, excepting to operate the richest of properties, and as a consequence only one copper mine in the interior of Alaska is now in operation and shipping ore, and that one could not operate if it were not exceedingly high-grade ore. There are hundreds of copper properties, some quite rich and many of lower grade, that would be opened up and shipments made therefrom were shipping conditions different. To sum up, the opening of the quartz gold, low-grade placer and copper deposits of the interior of Alaska depends solely on cheap fuel and adequate and cheaper transportation controlled by the Government.

COST OF FUEL.

With millions of tons of good steam, stove, and coking coal lying within a few miles of salt water, the opening of which has been retarded by what we consider a mistaken policy, the citizen of Alaska pays for his own house coal brought from British Columbia mines, in trust owned and controlled bottoms, from \$14 to \$30 per short ton in the most favorable localities, north and west of Juneau and Sitka, and \$4 would be a fair price for Alaska coal delivered at the same localities.

THE COAL QUESTION.

It has become generally known throughout the United States that there are extensive coal deposits near the coast, as well as in the interior of Alaska, and because some misguided citizen, not of Alaska, sought to obtain control of large areas of coal land, perhaps in some cases not within the law, the great majority, yes, 99 per cent, of the entire population of Alaska who have no interests, directly or indirectly, in the coal question, only so far as to obtain cheaper fuel, have been denied the use and benefit of Alaska coal pending the settlement of the alleged rights of these so-called coal claimants.

This body declares:

First. That all coal claimants who located coal lands strictly within the law as it existed at that time should receive patents therefor. We do not deal with or consider any illegal entry. We do, however, believe that the coal claimants should have their day in court.

Second. Regardless of the rights of any or all claimants, we do most respectfully urge that the Government of the United States take immediate action and in some way open the coal lands of Alaska, or some of them, and that the selling price of the coal will be controlled by a department of the General Government of the United States, to the end that justice may be brought about to all of the people of Alaska.

TRANSPORTATION FOR ALASKA.

Many portions of Alaska Territory lie adjacent to the coast line and therefore have a measure of competitive and fairly reasonable freight rates, most notable is southeastern Alaska. As to the localities farther north this does not exist. For instance, the lowest freight rate to Katalla, Cordova, Valdez, and Seward, excepting on coal, is \$11 per ton, weight or measurement. Quite often this runs up to even \$30 per ton or higher. On all explosives the rate is \$25 per ton, and as one goes farther west along the Kenai Peninsula and north the rates are much higher. First-class passenger rates to the first-mentioned points are \$45, the distance being about 1,600 miles. The great crying need, however, is cheaper transportation from the seacoast to the interior, and it was for the purpose of examining routes and conditions pertaining to interior transportation that the railroad commission was appointed and did visit Alaska during the fall of 1912, and after making a hurried examination reported to the President of the United States their findings and recommendations, and it was their general report that this legislative body indorsed at the beginning of this present session. Southeastern Alaska is not much interested in interior transportation only so far as it covers the White Pass & Yukon Railroad, over which rates are exceedingly high.

The coal fields under consideration lie largely within the third judicial district, as well as the developed copper properties and a portion of the gold quartz properties, and the people residing in the second, third and fourth divisions of Alaska are mostly interested in the question of interior transportation. But to the third and fourth divisions the transportation question is vital, viz, to transport coal to the seacoast to be distributed by water where needed and to furnish coal and other supplies, machinery, and men to interior points at reasonable rates.

We are aware you have full knowledge as to the transportation system now in Alaska, and it is only necessary to give a few figures as to the present freight rates per ton for goods laid down at the end of the Copper River & Northwestern Railroad. Dynamite laid down at that point costs \$90 per ton freight, including water and rail from Seattle. The rate on groceries and provisions, less than car lots, is \$60 per ton, and all other goods, hay, feed, and machinery in the same proportion. The rate out on ore is graduated on lines that an operator can not afford to mine and ship grades of copper ore lower than 20 per cent, and there are very few mines that can produce ore of this grade even by close sorting. The Bonanza mine that is now shipping and paying is not an exception, and the fact that that mine is operating and paying is not a criterion by any means, for it is the only copper property in the Chitina copper belt that can afford to ship as a business under the present conditions.

As to other interior points: During the best days of the Fairbanks camp, when \$10,000,000 in value was taken from the ground by the miners yearly, it is stated upon good authority that one-half of the whole amount was paid out for freight and transportation. This statement is verified by report of Alfred Brooks, of the United States Geological Survey. At the present time the Fairbanks camp, as well as others, is working on much lower grade gold-bearing gravels, of which there are large areas; therefore cheaper transportation is absolutely necessary in order to work the present low-grade placers at a profit. Aside from the present established camps there are thousands of acres of low-grade placers that have not been touched owing to the high cost of transportation.

WHAT IS THE REMEDY?

The people of Alaska are hoping for and expecting that the present administration will at its earliest convenience adopt some measure that will open the coal fields of Alaska, or some of them, on lines that monopoly can not control the selling price of the product thereof, and at the same time do justice to all honestly located claims and claimants.

They also pray most earnestly that matters will be put in force in some way, and soon, that will start construction work on two or more lines of railway that will start at tidewater and extend to the interior, through the beautiful valleys of agricultural land, and on, until every camp of importance and every valley fit for agriculture purposes shall have been reached and the inhabitants thereof supplied with cheap and reasonable transportation controlled by the strong arm of the Government.

Notwithstanding discouragements and the unnatural obstacles thrown in the way of the development of Alaska, the business of the country shows improvements along commercial lines. The total trade for the year 1912 aggregated \$72,741,000, exceeding that of any former year by 27 per cent. The white population is about 30,000; thus the commerce of the country shows about \$2,400 for each man, woman, and child in the Territory. It is worthy of comment that about \$25,000,000 of the exports from Alaska during the year 1912 were gold, silver, and copper, which have been added to the permanent wealth of the United States.

With a population of but 30,000, the commerce of Alaska with the United States far exceeds that of the Philippine Islands, with a population of over 8,000,000 people. With this in mind compare the expenditures of the Government in Alaska and in the Philippines, and remember that the population of Alaska is composed of loyal sons and daughters of the Union.

From the earliest settlement of our country the Government has encouraged the forward movement and the opening of new territory, and it has always had within its borders the blood and brawn of the pioneers; and as they, single handed and alone and in small groups, have blazed the way and advanced into the unknown, their faces ever to the westward, combating not only wild nature, but often wilder men, the strong arm of the Government has followed the pioneer and made it possible to still follow with more civilized modes of life, even going to the extent of donating hundreds of millions of value in lands in aid of transportation. The Government has given millions of money for the aid of the brown man of the Philippine Islands and has given to Cuba millions in money and lives of brave men. We would respectfully ask, Are the Cubans, the Filipinos, or the Porto Ricans more valuable to this great country of ours than the hardy, brave, intelligent pioneers of Alaska, every one of whom, from 16 to 70 years of age, is willing to fight for his country and flag? Are we, the citizens of this great Alaska empire, not entitled to due consideration and help from our country? Men are here from every State and representing every phase and condition of life, from the old grizzled advance agent of civilization, who has faced storm and flood alone, sought out the secrets of nature, and then returned to civilization to spread the glad news that the energetic and progressive business man and capitalist might follow over the paths he has made smooth and develop and reap with him the wealth he has found. We believe that the time has come for the just consideration of our great needs by those in authority and power to relieve and assist in the development of our great Territory.

The secretary of the Territory of Alaska is hereby requested to forward a certified copy of this memorial to each of the following persons: One to the President of the United States, one to the Secretary of the Interior, and one each to the honorable the President of the Senate and the Speaker of the House of Representatives of the United States, and one to the Delegate to Congress from Alaska.

Adopted by the senate April 3, 1913.

L. V. RAY,
President of the Senate.

Adopted by the house April 15, 1913.

EARNEST B. COLLINS,
Speaker of the House.

Mr. PERKINS presented petitions of sundry citizens of Los Angeles, Cal., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

Mr. GALLINGER presented petitions of Frank Rumuzzer, of Rochester, N. H.; Truly Warner, of New York; E. C. Blandy, of Osceola Mills, Pa.; E. H. Cady and E. M. Baumgardner, of Toledo, Ohio; W. E. Matthews, J. B. Lowman, Fred Krebs, and William G. Hager, of Johnstown, Pa.; S. G. Cleaver, of Wilmington, Del.; and J. Murray Africa and John White, of Huntingdon, Pa., praying for the exemption of mutual life insurance companies from the operation of the income-tax clause of the pending tariff bill, which were referred to the Committee on Finance.

EMIGRATION CANON RAILROAD CO.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 541) granting to the Emigration Canon Railroad Co., a corporation of the State of Utah, permission, in so far as the United States is concerned, to occupy, for a right of way for its railroad tracks, a certain piece of land now included in the Mount Olivet Cemetery, Salt Lake County, Utah, reported it with an amendment and submitted a report (No. 40) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 1982) granting a pension to Frank M. Eldredge; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 1983) to amend section 3618 of the Revised Statutes of the United States, relating to the sale of public property; to the Committee on Naval Affairs.

Mr. TILLMAN. I ask that the papers accompanying the bill be printed and referred to the Committee on Naval Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

By Mr. SMITH of Michigan:

A bill (S. 1984) authorizing and directing the Secretary of the Navy to place the name of Raymond W. Dikeman on the retired list as a second lieutenant in the United States Marine Corps; to the Committee on Naval Affairs.

A bill (S. 1985) to remove the charge of desertion from the military record of Capt. Daniel H. Powers;

A bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller;

A bill (S. 1987) to remove the charge of desertion from the record of Joseph Neveux;

A bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong;

A bill (S. 1989) to correct the military record of Adam D. Shriner;

A bill (S. 1990) to correct the military record of Samuel J. Kearns; and

A bill (S. 1991) correcting the military record of Abram H. Johnson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1992) granting a pension to Dallas Garner (with accompanying paper);

A bill (S. 1993) granting an increase of pension to Benson K. Robbins (with accompanying papers);

A bill (S. 1994) granting a pension to Almira J. Sterling (with accompanying papers);

A bill (S. 1995) granting an increase of pension to Oliver B. Bond (with accompanying papers);

A bill (S. 1996) granting a pension to Catherine Healey (with accompanying papers);

A bill (S. 1997) granting a pension to James B. Parker (with accompanying paper);

A bill (S. 1998) granting an increase of pension to William H. Southwell (with accompanying paper);

A bill (S. 1999) granting an increase of pension to Thomas H. Crapo (with accompanying papers);

A bill (S. 2000) granting an increase of pension to Joseph Johnson (with accompanying paper);

A bill (S. 2001) granting a pension to Isolina M. Forbes (with accompanying paper);

A bill (S. 2002) granting a pension to Joseph Hadden (with accompanying papers);

A bill (S. 2003) granting a pension to Lucy Ann Palmer (with accompanying paper);

A bill (S. 2004) granting an increase of pension to Charlotte H. Ely (with accompanying papers);

A bill (S. 2005) granting an increase of pension to Charles Newton Eddy (with accompanying paper);

A bill (S. 2006) granting an increase of pension to John A. Churchill (with accompanying papers);

A bill (S. 2007) granting a pension to James E. Embury (with accompanying papers);

A bill (S. 2008) granting a pension to Verona H. Coon;

A bill (S. 2009) granting a pension to Allen B. Be Dell;

A bill (S. 2010) granting an increase of pension to Charles H. Eding;

A bill (S. 2011) granting a pension to Aaron P. Essex;

A bill (S. 2012) granting a pension to Robert Fletcher;

A bill (S. 2013) granting an increase of pension to W. R. Foote;

A bill (S. 2014) granting an increase of pension to Margaret W. Goodwin;

A bill (S. 2015) granting an increase of pension to Patrick Gibbons;

A bill (S. 2016) granting an increase of pension to Jesse Gray;

A bill (S. 2017) granting a pension to Charlotte Hammond;

A bill (S. 2018) granting an increase of pension to Ephraim Hanson;

A bill (S. 2019) granting a pension to Agnes Hunt;

A bill (S. 2020) granting a pension to Amanda M. McKinney;

A bill (S. 2021) granting an increase of pension to Lewis B. Moon;

A bill (S. 2022) granting a pension to James H. Seward;

A bill (S. 2023) granting a pension to Lucinda W. Van Hyning;

A bill (S. 2024) granting an increase of pension to Charles S. Vahue;

A bill (S. 2025) granting an increase of pension to Benjamin Stroup;

A bill (S. 2026) granting an increase of pension to Charles A. Voorheis;

A bill (S. 2027) granting an increase of pension to John A. Battenfield;

A bill (S. 2028) granting an increase of pension to John Stansell;

A bill (S. 2029) granting a pension to Dora Stevens;

A bill (S. 2030) granting a pension to Lauchling McDonald;

A bill (S. 2031) granting a pension to Bert Dakens;

A bill (S. 2032) granting a pension to Marv A. Solter;

A bill (S. 2033) granting a pension to Margaret A. Wiles;

A bill (S. 2034) granting an increase of pension to Fannie E. Newberry;

A bill (S. 2035) granting a pension to Cyrus Hicks;

A bill (S. 2036) granting an increase of pension to Minerla Beeman;

A bill (S. 2037) granting a pension to Marcus W. Bates;

A bill (S. 2038) granting an increase of pension to Augustus M. Barnes;

A bill (S. 2039) granting an increase of pension to David C. Crawford;

A bill (S. 2040) granting a pension to David Carr;

A bill (S. 2041) granting a pension to Cynthia A. Slayton;

A bill (S. 2042) granting a pension to Emeline C. Seger;

A bill (S. 2043) granting an increase of pension to Sidney M. Smith;

A bill (S. 2044) granting an increase of pension to Geraldine Tift;

A bill (S. 2045) granting a pension to Elizabeth A. Stebbins;

A bill (S. 2046) granting a pension to Louisa Moorman;

A bill (S. 2047) granting an increase of pension to David S. Fairchild;

A bill (S. 2048) granting an increase of pension to Fred E. Williams;

A bill (S. 2049) granting an increase of pension to Lucy L. Norton;

A bill (S. 2050) granting a pension to Lovina Warren;

A bill (S. 2051) granting an increase of pension to Martin Selak;

A bill (S. 2052) granting a pension to Mary E. Smith;

A bill (S. 2053) granting an increase of pension to Daniel W. Spring;

A bill (S. 2054) granting an increase of pension to George M. Peaslee;

A bill (S. 2055) granting a pension to Rachel F. Prince;

A bill (S. 2056) granting an increase of pension to Anthony Peterson;

A bill (S. 2057) granting a pension to Michael Reichard;

A bill (S. 2058) granting a pension to W. H. Rugg; and

A bill (S. 2059) granting a pension to Charles A. Rupert; to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 2060) granting an increase of pension to Daniel L. Hazzard; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 2061) opening the surplus and unallotted lands in the Colorado River Indian Reservation to settlement and entry under the provisions of the Carey Land Acts, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 2062) for the relief of the administrator and heirs of Fritz Contzen, to permit the prosecution of an Indian depredation claim; to the Committee on Indian Depredations.

By Mr. LEA:

A bill (S. 2063) for the relief of the deacons of the Gethsemane Baptist Church, of Davidson County, Tenn.; and

A bill (S. 2064) for the relief of Josie Myer Reynolds (with accompanying paper); to the Committee on Claims.

A bill (S. 2065) to provide for participation by the Government of the United States in the National Conservation Exposition, to be held at Knoxville, Tenn., in the fall of 1913; to the Committee on Industrial Expositions.

By Mr. MARTINE of New Jersey:

A bill (S. 2066) for the relief of Edward S. Farrow; to the Committee on Military Affairs.

By Mr. NELSON:

A bill (S. 2067) authorizing national-bank associations to make loans on real-estate security in certain cases; to the Committee on Banking and Currency.

By Mr. SMOOT:

A bill (S. 2068) to authorize the allowance of second homestead and desert entries; to the Committee on Public Lands.

By Mr. MYERS:

A bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; to the Committee on Claims.

By Mr. SHIELDS:

A bill (S. 2070) for the relief of the deacons of the Missionary Baptist Church, of Toone, Tenn.;

A bill (S. 2071) for the relief of the deacons of the Gethsemane Baptist Church, of Davidson County, Tenn.; and

A bill (S. 2072) for the relief of the Court Avenue Presbyterian Church, incorporated as the First Cumberland Presbyterian Church, of Memphis, Tenn.; to the Committee on Claims.

By Mr. ROBINSON:

A bill (S. 2073) for the relief of the heirs of the late Jennie Hunter; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 2074) granting a pension to Charles L. Cloutman (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. STONE submitted an amendment providing for the appointment of a joint commission to investigate Indian affairs, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

THE TARIFF.

Mr. SIMMONS. Mr. President, I am exceedingly anxious to go on with the consideration of the motion to refer the tariff bill to the Committee on Finance. For very nearly a week now this matter has been held up, and there are a great number of experts who have been sent here by the department from New York to assist the subcommittees and the committee. They are here in idleness because Senators can not find time to take up these questions. On that account and because I am sure the country is anxious that this matter shall be finally settled, I dislike very much to yield to any other business at this time.

I wish to inquire of the Senator from Indiana if at a certain hour—at a certain time—he will not consent to lay aside temporarily the consideration of the unfinished business.

Mr. KERN. Mr. President, I sympathize very greatly with the members of the Finance Committee in their effort to bring the question which has been before the Senate to a vote. I am aware that there are a number of people who are vitally interested in the question they have immediately in hand. There are many millions of people interested in the question that is now before the Senate.

I shall be very glad to make an agreement that if a vote is not reached on the resolution now before the Senate within one hour from this time I will consent, if it is agreeable to the Senate, that it may be temporarily laid aside until the other matter is disposed of. I do not desire to lay it aside except temporarily, so that it will not lose its place on the calendar.

Mr. SMOOT. I have no objection at all to taking up the matter of referring the tariff bill, but I would not want it understood that if a Senator was speaking one hour from now, and his speech was not concluded, he would be taken off the floor. Of course, the Senator recognizes the fact that the unfinished business would have to be laid aside by unanimous consent, and I would not want it understood that at the end of an hour a Senator should be taken off the floor.

Mr. SMITH of Georgia. It does not require a vote of the Senate temporarily to lay aside the unfinished business.

Mr. SMOOT. The Senator from Indiana said he would ask unanimous consent that it be temporarily laid aside. If any other business is not taken up by unanimous consent, it then becomes the unfinished business. Of course, the Senator from Indiana does not want to have the unfinished business lose its place.

Mr. KERN. I will not be discourteous, of course, to any Senator on the floor. I thought in about an hour, if the debate continues until that time, it could be laid aside; but unless it was apparent that some Senator was speaking against time—

Mr. SMOOT. With that understanding, I have not any objection at all.

Mr. KERN. We will endeavor to preserve the courtesies.

Mr. THOMAS. At the conclusion of the hour, I ask the permission of the Senate and the Chair that I may then be permitted to finish what I have to say on the matter which has been under discussion.

Mr. SMITH of Michigan. Is this a request for unanimous consent?

Mr. STONE. No.

The VICE PRESIDENT. The unfinished business is before the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from North Carolina a question. The Senator from North Carolina urges as a necessity for the immediate disposition of his motion to refer the tariff bill so called to the Finance Committee the fact that there are a very large number of experts here who have been called for the purpose of aiding the committee.

Mr. SIMMONS. I will say to the Senator I stated that only as a subsidiary reason; that is all.

Mr. SMITH of Michigan. It is a very important suggestion.

Mr. SIMMONS. Yes; it is.

Mr. SMITH of Michigan. I think it should have some weight. Would it be asking too much of the Senator from North Carolina to tell us just how many experts there are waiting?

Mr. SIMMONS. I could not state the number; I think six or seven, probably more than that.

Mr. SMITH of Michigan. Six or seven?

Mr. SIMMONS. Yes; for the different subcommittees.

Mr. SMITH of Michigan. Mr. President, I should like to ask the Senator from North Carolina again, would it be inconvenient for him to furnish to the Senate the names of those experts?

Mr. SIMMONS. Not at all. I will state that they are generally appraisers sent over from New York by the department to assist the committee.

Mr. SMITH of Michigan. I wonder if they are that type of men described by the President of the United States in one of his very interesting works.

Mr. SIMMONS. I do not know what type of men they are. I will state to the Senator that we have asked the department to send us from New York experts who are familiar with certain schedules, and they have sent them to us. If the minority members of the committee desire their services after we are through with them, they can have them.

Mr. SMITH of Michigan. Does the Senator mean that these experts are regularly employed experts in the Treasury Department?

Mr. SIMMONS. I mean they are regularly employed by the Government.

Mr. SMITH of Michigan. In what capacity?

Mr. SIMMONS. They are, I think, connected with the appraisers' office in the city of New York.

Mr. SMITH of Michigan. Is it entirely for their convenience that we must move along as rapidly as the Senator suggests?

Mr. SIMMONS. Not for their convenience at all, but there is a responsibility attached to them and we are keeping them from their duties.

Mr. SMITH of Michigan. Are they entitled to extra pay?

Mr. SIMMONS. No; but they are entitled and will receive and have received from the committee from time immemorial, ever since I have been on the committee, their actual expenses in the city of Washington—their board and traveling expenses. I will ask the Senator from Utah [Mr. Smoot] if that is not true?

Mr. SMITH of Michigan. Are these the same gentlemen who have been aiding the House Committee on Ways and Means in the preparation of the bill?

Mr. SIMMONS. I do not know whether any of these experts have been before the House committee or not.

Mr. SMITH of Michigan. Is it proposed that the testimony of these experts shall be taken by the Committee on Finance?

Mr. SIMMONS. We are not taking their testimony. We are asking from them information with reference to certain schedules.

Mr. SMITH of Michigan. Will they impart this information privately or publicly?

Mr. SIMMONS. I assume they will talk with us just as the experts assigned to the minority members of the committee by the department confer with them. I know that there are experts assigned by the department to the minority members of the committee, because I have had to approve the account of experts who have been assigned to minority members of the committee at this session of the Senate upon these tariff schedules. I think the Senator is not familiar with the course that has been pursued by every Finance Committee as to the revision of the tariff. It was and has been the custom all along. When we were considering the Payne-Aldrich bill, the minority and the majority members of the committee had experts assigned by the department to assist them.

Mr. SMITH of Michigan. Yes.

Mr. STONE. Mr. President, I rise to a question of order. This is an absurd waste of time. I ask for the regular order.

Mr. SIMMONS. I agree entirely with the Senator.

The VICE PRESIDENT. The regular order is demanded. The regular order, which is the unfinished business, is before the Senate.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. The Senator from Michigan.

Mr. SMITH of Michigan. I suppose that the question of the reference of the tariff bill has now been superseded, and under the rule the business before the Senate is the resolution of the Senator from Indiana [Mr. Kern].

The VICE PRESIDENT. That is the business before the Senate.

Mr. SMITH of Michigan. The understanding has been, I assume, that that would be discussed for an hour, after which the Senate would return to the consideration of the Finance Committee's motion. If the Senator from North Carolina insists that the best reason he can give for the immediate reference of that bill to his committee—

Mr. SIMMONS. Oh, Mr. President, I stated to the Senator that I had given that merely as a subsidiary reason.

The VICE PRESIDENT. The unfinished business is before the Senate.

Mr. SMITH of Michigan. I am discussing that question, Mr. President, and it will remain the unfinished business unless we can have discussion in the usual and orderly way. If the best reason that can be given for the immediate reference of the tariff bill is that urged by the Senator from North Carolina, of course I could not yield, because Senators have not been in the habit of moving to suit the convenience merely of the attachés of the Treasury Department in the administration of the customs laws. This matter is of too much moment—

Mr. SIMMONS. Did the Senator hear me when I said that the reason of the holding off of this matter is the Finance Committee were unable to go on with the work of preparing the bill?

Mr. SMITH of Michigan. That is just the point I am approaching.

Mr. SIMMONS. Did the Senator understand me to state that the main reason why I desire action is that the Senators charged with this duty might go on with the bill in the interest of dispatch and the public welfare?

Mr. SMITH of Michigan. I am afraid I misunderstood the Senator.

Mr. SIMMONS. I stated as a subsidiary reason that we had these gentlemen here on expense and we could not use them, because our time is taken up here in the Senate Chamber with the discussion of the bill.

Mr. SMITH of Michigan. Mr. President, I am afraid that I misunderstood the Senator from North Carolina. I understood

him to say that he would like to resume the consideration of the motion, because there were a large number of experts here who desired to be heard. Now, if I am in error—

Mr. SIMMONS. I stated that as one of the reasons.

Mr. SMITH of Michigan. If I am in error about that, and it is a matter of convenience to my colleagues, who can not leave the Chamber because of the discussion of this measure to attend to this bill, that presents a vastly different question.

I wish to say once for all and to relieve the mind of the Senator from North Carolina, if he is at all apprehensive regarding my course, that if he thinks it is my purpose to wage prolonged and fruitless contest against an appropriate reference of this bill, he is mistaken. I have no such purpose in my mind. I did object to the unanimous-consent agreement this morning, because I was unwilling to be a party even to the reference of this bill to the committee, especially when it goes to the committee with the avowed intention of acting so promptly upon it and of accepting no suggestions from the millions of our countrymen who are vitally affected by its provisions.

I am perfectly willing that the Senator from North Carolina should press his motion. He need not hesitate a moment, so far as I am concerned, to give me an opportunity to vote "nay." That was the purpose of my objection this morning; nothing more. We will have ample opportunity to discuss it before it ripens into law.

But I was amazed and perhaps in error when I assumed that the sole reason for its immediate reference was the convenience of regular employees of the Treasury Department. I have an abundance of information which I believe would be important, which has been communicated to me by business people in my own State and manufacturers and merchants in other States. I could appropriately delay consideration for a number of days, but that has never been my policy here, and I do not propose to do so now.

Having said what I have to say about it, I am quite prepared, Mr. President, that the Senate shall proceed with the resolution of the Senator from Indiana or that the motion of the Senator from North Carolina may go to a vote.

Mr. SIMMONS. Will the Senator now agree to a time this afternoon to vote?

Mr. SMITH of Michigan. No; I shall agree to nothing in connection with this bill; and if the Senator from North Carolina and his party in power desire to refer this bill on the motion now pending, I shall simply content myself with voting "nay."

Mr. STONE. The motion is pending.

Mr. SMITH of Michigan. But it is not insisted upon. It has been waived to accommodate the Senator from Indiana.

Mr. SIMMONS. The Senator has taken up 20 minutes of that hour.

Mr. SMITH of Michigan. I could take up 20 minutes more in reply to the statement of the Senator from North Carolina. His speech appeared in the RECORD only this morning and I have had no opportunity to examine it. But I shall not even take the time to do that. We would make progress fully as rapidly with just a little inclination to humor the disposition of Senators who are unalterably opposed to this bill, and I shall by no unanimous consent or vote, from the first roll call to the last, give my approval to a single line or syllable of your bill.

I dislike, however, to think that from day to day a great department of the Government is called upon to threaten the business people of America with prosecution if perchance they undertake to save the industry now in jeopardy.

Mr. President, I have said all I am going to say at the present time. Later I may read a few chapters by the present President that were written before he assumed his high public place, but I forbear now to offend the sensitiveness of my genial friend from Missouri [Mr. Stone].

SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same.

The committee of conference have been unable to agree on amendment numbered 2.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLET,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the conference report be adopted.

The PRESIDENT pro tempore. The Senator from Virginia moves that the conference report, so far as it reports an agreement, be adopted. Unless there is objection, such will be the order.

Mr. TOWNSEND. Mr. President, I should like to know what the amendments are, and especially what is the amendment from which the Senate has receded.

Mr. MARTIN of Virginia. The two items on which the committee reached an agreement were purely formal ones, consisting of the addition of the letter "s" in two places. There is only one item that is really in controversy, and that is this: The House sent the bill to us containing a provision that when vacancies occur in the Board of Managers of the National Home for Disabled Volunteer Soldiers they shall not be filled until the whole number of members is reduced to 5. There are now 11 members of the board. The Senate amended the House bill by striking out the provision which contemplated a reduction of the membership of the Board of Managers of the Soldiers' Home from 11 to 5 by not making appointments when vacancies occur.

Mr. TOWNSEND. And it is upon that amendment that the Senate and the House are still in disagreement?

Mr. MARTIN of Virginia. Yes; the House seems very persistent in rejecting the Senate amendment. The House wants the number of the Board of Managers of the Soldiers' Home reduced to five. The Senate amended the bill by striking out the provision and thus declining to make the reduction.

Mr. TOWNSEND. I am very much in favor of the Senate insisting upon its position in the matter. I do not think we ought to yield.

Mr. BURTON. Mr. President, I concur in the statement of the Senator from Michigan. I also most strongly concur in the action of the conference committee in adhering to the action of the Senate. As I understand it, the striking out of the provision in the House amendment leaves the law as it is at present.

Mr. MARTIN of Virginia. The Senate amended the House bill by striking out the provision reducing the number.

Mr. BURTON. That leaves the law as it now is?

Mr. MARTIN of Virginia. That leaves the law as it now is, if we strike out that provision in the House bill.

I move that the Senate further insist upon its amendment and ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate at the further conference.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. Pursuant to the notice which I gave on yesterday of an amendment of the rules, and which went over for one day, I submit a resolution and ask that it be read and referred to the Committee on Rules.

There being no objection, the resolution (S. Res. 84) was read and referred to the Committee on Rules, as follows:

Resolved, That the rules of the Senate be amended as follows: Rule XII, clause 1, after the words "by the Senate," there shall be inserted the following: "and any Senator may arise and declare that he is paired and how he would vote if not paired, and may add that being present he desires to be so recorded in order to constitute a quorum; whereupon he shall be so recorded, and his presence as a part of the quorum announced by the Chair."

PAINT CREEK COAL FIELDS, WEST VIRGINIA.

The VICE PRESIDENT. The question is, Shall the resolution (S. Res. 37) of the Senator from Indiana [Mr. KERN] be referred to the Committee on Education and Labor? The Senator from West Virginia [Mr. GOFF] is entitled to the floor.

Mr. GOFF. Mr. President, I shall not detain the Senate very long in the further consideration of this matter. I commence to-day by asking the Senate to advise me what possible good can result from the adoption of this resolution. I can very readily see how it might result in disaster, but not how it can

bring any good to the State of West Virginia, to the country at large, or give any additional information or advice to the Senate.

Yesterday we had under consideration the decisions of the courts relative to the right of the executive of a State during a period of insurrection to proclaim martial law. It seemed to be conceded that ordinarily this right existed, but for some reason, unknown to me at least, it was questionable in the minds of some as to whether or not that general rule was applicable to West Virginia.

Now, in the first place, considerable anxiety seemed to be expressed at the proclamation of the governor for the organization of a military commission. I can probably no better present my views upon that than by reading from a decision of a distinguished court, it is true a decision that has been very severely criticized, but an opinion that the Supreme Court of the United States has not passed upon as yet, an opinion founded on former decisions of said great tribunal.

Military commissions are courts organized under the international law of war for the trial of offenses committed during war by those not in the war or naval forces.

Now, for a moment let us consider what the Supreme Court of the United States has held, as has also the Supreme Court of Pennsylvania, and it might be well to digress for a moment and call attention to that decision, reported in Two hundred and sixth Pennsylvania, page 165, the Commonwealth ex rel. Wadsworth against Shortall. I am reading the syllabus:

MARTIAL LAW—GOVERNMENT—RIOTS—ORDER OF GOVERNOR.

Martial law exists wherever the military arm of the government is called into service to suppress disorder and restore the public peace.

Where the governor of the Commonwealth issues a general order calling out the militia for the purpose of suppressing violence and maintaining public peace in a district affected by a strike, such an order is a declaration of qualified martial law in the affected district. It is qualified in that it is put in force only as to the preservation of the public peace and order, and not for the ascertainment or vindication of private rights or the other ordinary functions of government. For these the courts and other agencies of the law are still open. But within its necessary field and for the accomplishment of its intended purpose it is martial law with all its powers.

The resort to the military arm of the government by such an order means that the ordinary civil officers to preserve order are subordinated, and the rule of force under military methods is substituted to whatever extent may be necessary in the discretion of the military commander.

The effect of martial law is to put into operation the powers and methods vested in the commanding officer by military law. So far as his powers for the preservation of order and security of life and property are concerned, there is no limit but the necessities and exigency of the situation. And in this respect there is no difference between a public war and domestic insurrection. What has been called the paramount law of self-defense, common to all countries, has established the rule that whatever force is necessary is also lawful.

Governor Hatfield issued his proclamation. He issued it by virtue of a statute of West Virginia long ago, in substance, incorporated in the code of that State, founded on the rules of war, referred to in the decisions alluded to.

As to the direct question propounded by the Senator from Idaho [Mr. BORAH], which, conceding the right of the governor to issue his proclamation, nevertheless questions the power of the military commission to proceed under the same, I beg to say that—

Military commissions are courts organized under the international law of war for the trial of offenses committed during war by persons not in the land or naval forces.

Now, we have had no court-martial trials in West Virginia. All this talk about "the sentences of drumhead courts-martial" is not properly in this case or before the Senate. A military commission was formed, and the order creating it has been severely criticized. We are not very familiar with military commissions or military courts, and I am glad of it, and the Senate, I doubt not, is glad of it. They come but seldom, but in time of insurrection and war they are not unusual. I quote:

In the United States their jurisdiction is confined to enemy territory occupied by an invading army, or at least to those sections of the country which are properly subject to martial law, and their authority ceases with the end of the war. (40 Cyc., 391.) By a practice dating from 1847 and renewed and firmly established during the Civil War, military commissions have become adopted as authorized tribunals in this country in time of war. They are simply criminal war courts, resorted to for the reason that the jurisdiction of courts-martial, creatures as they are of statute, is restricted by law and can not be extended to include certain classes of offenses which in war would go unpunished in the absence of a provisional forum for the trial of the offenders. Their authority is derived from the law of war, though in some cases their powers have been added to by statute. Their competency has been recognized not only in acts of Congress but in Executive proclamations, in rulings of the courts, and in the opinions of Attorneys General. During the Civil War they were employed in several thousand cases; more recently they were resorted to under the "reconstruction" act of 1867; and still later one of these courts has been convened for the trial of Indians as offenders against the laws of war.

The Judge Advocate General of the Army has collated these commissions, the numbers of cases that they have tried and

disposed of, and in his digest, on page 1066, is found the quotation that I have used as also the following:

The jurisdiction of a military commission is derived primarily and mainly from the law of war, but special authority has in some cases been devolved upon it by express legislation, as has already been noticed. Military commissions are authorized by the laws of war to exercise jurisdiction over two classes of offenses committed, whether by civilians or military persons, either (1) in the enemy's country during its occupation by our Army and while it remains under military government, or (2) in the locality not within the enemy's country or necessarily within the theater of war, in which martial law has been established by competent authority.

The digest goes on to cite a great many cases that have been so disposed of by military courts, and says:

Although there is no express provision of the Constitution or acts of Congress authorizing military commissions, yet such commissions are tribunals now as well known and recognized in the laws of the United States as the court-martial. They have been repeatedly recognized by the executive, legislative, and judicial departments of the Government as tribunals for the trial of military offenses.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Ohio?

Mr. GOFF. I do.

Mr. POMERENE. May I ask the Senator from West Virginia from whose opinion he is reading?

Mr. GOFF. I am now reading a quotation from the opinion of the Supreme Court of West Virginia; but the citations that I have alluded to, taken from that opinion, are from the Digest of the Judge Advocate General to which I just referred:

A military commission—

This is still the digest—

A military commission, unlike a court-martial, is exclusively a war court; that is, it may legally be convened and assume jurisdiction only in time of war, or of martial law or military government when the civil authority is suspended.

Mr. President, this is a serious subject, worthy of the attention and consideration of all of the Senate. You can not conduct a war with kid gloves on. War is necessarily harsh; it has been recognized as such from the earliest civilization. While we abhor it, still this country has not failed to resort to it when the necessity demanded it.

Concede that you do not find this power in the Constitution, concede that there is no congressional enactment on the subject, yet there never was a government organized that did not inherently and impliedly carry with it the power to protect itself. Every State of our Union has that right. It is the right of self-defense. A man driven to the wall does not hesitate to strike with the intent to kill if necessary to preserve his own life.

I wonder when it was that my friends on the other side of the Chamber concluded to abandon that creed, handed down to them from Jefferson, involving the sovereignty of the States. When did they yield it? When did they concede that only the Government of the United States can take charge of these matters, the State necessarily surrendering its dignity, its power, and its right to live by its own edict and action?

It is much easier to find, by the usual rules of construction, in the Constitution of the United States the right of a State to issue such proclamations—to establish such military courts—than it is to find in that Constitution such power inherent in the Federal Government. Yet does anyone undertake to say that the General Government does not possess it, has not exercised it? And do we not all thank God to-day that it did exercise it?

The military commission in West Virginia existed by virtue of proper authority. It tried all cases of all persons caught red-handed in insurrection. Has anyone ever intimated that there was a man or a woman arrested and taken before that court who was not properly so arrested? If so, I have not heard of it. Was anyone convicted by that court who was innocent? Many arraigned before it plead guilty, and with a reprimand and an admonition were discharged.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. GOFF. I do.

Mr. BORAH. Our contention is that it never can be determined whether or not those persons were properly convicted until they come before a tribunal which is recognized under the law as a proper tribunal to try that question. To say that they were guilty is not to meet the question, because, though guilty, they were entitled to a trial in the same manner and under the same laws as if they were innocent. No man stands convicted until he has been convicted in a tribunal which has the jurisdiction to try him.

Mr. GOFF. Mr. President. I am contending that the military court was a proper tribunal to try that question; and I have

shown to the Senate that on appeal taken from that military court, the subordinate as also the supreme court of my State held that such persons were properly arrested. That is what my contention is. I say I have demonstrated it, and I say that the judgment of that court should stand as the law until proceedings have been taken under our judicial methods to modify or reverse that judgment of the court. Can anyone properly take issue with me on that?

Mr. CUMMINS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. GOFF. I do.

Mr. CUMMINS. What gave the Supreme Court of West Virginia appellate jurisdiction over a military commission? The Senator from West Virginia has just said that there was an appeal from the commission to the court.

Mr. GOFF. That is correct in the general sense. I will explain it.

Mr. CUMMINS. Very well; I should like to know about it.

Mr. GOFF. The writ of habeas corpus was sued out by those people who were tried by the military court. That writ issued from a civil court, a court of competent jurisdiction, presided over by a judge learned in the law, and he held that they were properly arrested, properly convicted, and legally detained. It went then to the Supreme Court of West Virginia, and that court held as I have indicated.

Mr. CUMMINS. Is it not true that the decision of the Supreme Court of West Virginia was simply that the military commission had jurisdiction to try these offenses?

Mr. GOFF. Yes.

Mr. CUMMINS. It did not inquire into the guilt or the innocence of those who were tried?

Mr. GOFF. That would have been utterly impossible under the writ of habeas corpus.

Mr. CUMMINS. I understand that perfectly well; but what I wanted—

Mr. GOFF. The only question that can or should be determined by a court of competent jurisdiction on a writ of habeas corpus is, Did the court that tried this petitioner have jurisdiction of the matter? Now, what is the presumption of law?

Mr. CUMMINS. Precisely. I simply wanted that to be perfectly clear in the debate. I thought that some confusion might arise by the suggestion that there had been an appeal from the military commission to the civil authorities of the State.

Mr. GOFF. Well, I did not use the word "appeal" in the sense the Senator has indicated.

Mr. CUMMINS. I think the Senator from West Virginia is entirely right in his statement that the court of his own State has held that this commission was properly organized and that the proclamation of the governor was a legal proclamation. May I ask another question while I am on my feet?

Mr. GOFF. Certainly.

Mr. CUMMINS. Did any other governor in the whole history of the country ever issue a proclamation similar to the one issued by the governor of West Virginia?

Mr. GOFF. I have not examined the language of all the proclamations that have been issued, and I am therefore unable to answer the Senator.

Mr. CUMMINS. One more question, which I ask very largely for information. I understood the Senator to say that there had been a great many cases tried in this country by military commissions. Will the Senator, if he has examined into the matter, tell the Senate what cases have been tried by military commissions acting under martial law during the last 50 years? I do not mean that he should recite the cases, but state the class of cases.

Mr. GOFF. Well, I will read now from the opinion of the Judge Advocate General.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. GOFF. With pleasure.

Mr. NELSON. I can recall one case, and that is the case of the Indians who assassinated Gen. Canby when he went to them under a flag of truce to negotiate peace. Those Indians were tried by a military commission, and the trial was held to be a legal trial. I do not remember its date, but the Senator from Iowa will remember the incident of Gen. Canby's assassination.

Mr. BORAH. Mr. President, I think another case that might be cited is the case in which Gen. Andrew Jackson tried Armstrong and Arbuthnot and executed them; but not even Jackson was ever able to justify the legality of that proceeding. And John C. Calhoun is said to have denounced it as murder.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. I yield.

Mr. WORKS. The point has been made here that, conceding the fact that a state of insurrection or war had been declared by the governor, the military tribunal would have no jurisdiction over an offense committed against the State laws. That question is one of jurisdiction, and would be directly involved in the proceedings under habeas corpus. Therefore, as to that question, these parties unquestionably have had their day in court. Whether they were guilty of the specific offense charged is another matter, and that is a matter, in my judgment, about which the Senate has no reason to inquire.

Mr. CUMMINS. Unquestionably, Mr. President, the court of last resort of West Virginia has held that the action of the governor was authorized and has held that the military commission was properly organized and had jurisdiction, not only of offenses against the martial law, which was substituted for the civil law by the order, but had jurisdiction of all offenses against the law of the State as that law was prior to the insurrection. It has not only affirmed an order which so declared, but it has also affirmed an order which gave to the military commission the power to punish by death what formerly was punishable by fine or imprisonment, or to punish by imprisonment an offense that was formerly punishable by death. The order is complete and comprehensive, and the Supreme Court of West Virginia, as I understand, has affirmed its validity.

I do not agree with the Supreme Court of West Virginia with regard to its construction of the law, although I yield to it very great respect, as I do to all the courts in the country. But I was trying to find out whether any other governor in the history of the United States had ever issued such an order as is under review in the Senate at this moment. I knew the Senator from West Virginia had examined the matter and that if there was any precedent for it, he would be able to give it to us.

Mr. GOFF. I have not, as I said a moment ago, examined the proclamations and orders of the different executives of the various States bearing upon that point. I know they were issued; but I have not examined them and therefore will not undertake to answer that inquiry; but I will answer the question the Senator asked me a moment ago.

Of the ordinary crimes taken cognizance of under similar circumstances by these tribunals, the most frequent were homicide, and after these robbery, aggravated assault and battery, larceny, receiving stolen property, rape, arson, burglary, riot, breach of the peace, attempt to bribe public officers, embezzlement and misappropriation of public money or property, defrauding or attempting to defraud the United States.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Utah?

Mr. GOFF. I do.

Mr. SUTHERLAND. The Senator has read a long list of classes of cases that have been taken cognizance of by tribunals of this character. Now, can the Senator tell us how those tribunals were constituted—that is, whether or not they were tribunals constituted by the governor of a State after the declaration of martial law, or whether they were tribunals incident to the military government of a conquered territory?

Mr. GOFF. The list that I have just read comprises offenses that were committed and tried by military courts established by the commanding general or the President during the Civil War.

Mr. SUTHERLAND. Well, Mr. President, if the Senator will permit me further, I quite understand that where a military government has been established as a result of or as incident to war, and where the sovereignty of the enemy has been driven out of existence, military courts may be established; but I understand the rule—and I invite the Senator's attention to that proposition—I understand the rule to be confined to those military governments; that is, if we were engaged in a war with a foreign country, with Mexico, for example, and our troops were in the field in Mexico, and we had driven out that Government, there being no other government capable of administering civil justice, as a matter of necessity the military organization would establish courts, and as a matter of necessity the will of the commanding officer would in effect become the law. As I understand, however, a State has no right to declare war; it has no right to engage in war, unless it is invaded or in grave danger of being invaded; so that it would seem to me to be an improper statement to say that a state of war exists in West Virginia at this time. Undoubtedly, there were circumstances of disturbances—riots and insurrection, if you please—which would justify the governor in declaring martial law; but when he had declared the existence of a state of affairs which authorized him to declare martial law, and he had declared martial law, then the military force would simply be authorized to do what the civil executive officers were unable to do—make arrests and preserve the

peace—but notwithstanding that, all the courts would be in existence, and when an arrest was made by the military authorities, just as when an arrest was made by the sheriff of the county, the person arrested charged with a crime, it seems to me, would have the right to demand that his case should be taken before the civil courts which were in existence.

Now, if the Senator will bear with me just for one moment further, I will say to the Senator that this is a question which has troubled me very greatly. I recognize the gravity of any action which the Senate might take looking to an investigation of the affairs of a sovereign State, and I recognize that it ought not to be done except upon very grave occasions; and yet, if the view which I have in mind with reference to this matter is the correct view, then the military authorities of West Virginia have been guilty of very grave usurpation of power, men have been deprived of their right to resort to the civil courts, and it presents a question, as it seems to me, under the fourteenth amendment; and it would seem, in that view of it, to present a case where the Senate would be justified in ordering an investigation. The order which was issued by the governor, among other things, contains this language:

1. The military commission is substituted for the criminal courts of the district covered by the martial-law proclamation, and all offenses against the civil laws as they existed—

That is, as the laws existed—

prior to the proclamation of November 15, 1912, shall be regarded as offenses under the military law, and as a punishment therefor the military commission can impose such sentences, either lighter or heavier than those imposed under the civil law, as in their judgment the offender may merit.

Now, if I understand the force of that order, it is not only that the power of the military authority is substituted for the authority of the courts to try offenses, but the will of the military tribunal is substituted for the law of the State. The law of the State declares that such and such acts shall constitute an offense. The law of the State prescribes that when that offense is committed certain prescribed punishment shall follow. This order says not only that the courts shall not try those cases and that this military tribunal shall try them, but that the law which declares the punishment is superseded and the will of the military authorities takes its place.

If the Senator has any precedent for that, if it has been held by any court in the United States, save by the court of West Virginia, that that sort of an order could be justified under our form of government, I should like very much to have the Senator from West Virginia call our attention to it.

Mr. GOFF. I will say to the Senator from Utah that the governor of West Virginia, when he issued that proclamation, simply put in concise terms an instruction to the court he had established that was drawn from the decisions of the Supreme Court of the United States, the Supreme Court of Pennsylvania, as well as the Supreme Court of West Virginia. Why do I say that? Because the Supreme Court has said, as have all other courts, that a state of insurrection, of riot, in any one of the States produces the same situation in law that actual war does. That is what I mean. That is how I answer these questions.

If there were actual war in West Virginia in the sense the Senator from Utah alluded to—as in the case of a conflict with Mexico—there would be no necessity of alluding to riot or insurrection. Therefore the Supreme Court, in disposing of these questions that involve riot and insurrection, says that the governor of the State may do just exactly those things that he might do if the actual war that the Senator alludes to were existing.

That is what the governor did. Was he wrong? It may be that he was. I do not think he was. Men differ about these things. It is well we do differ about many things. That was his conclusion. He had able advisers. He simply read into his proclamation the legal effect of his order. It was to guide the military commission, to simplify the situation. They would have been bewildered—any of us not familiar with such matters would have been—not have known what to do, or how to proceed, or what they might do if the governor had not advised them.

Looking at the decisions, including even the Milligan case, the Supreme Court holds, instructs us—I am not sure that I use the exact words, but I am confident that in substance it said, under circumstances similar to those existing in West Virginia when the governor issued his martial-law order—

The military process is substituted for the civil process.

The governor, then, simply said to his commission, "I advise you that the law is as set forth in my orders." Martial law was proclaimed in a small section only and was not to exist in any other part of the State. It is just as I illustrated it yesterday. It was only in this part of the Chamber, at this desk—

which is in the riot zone, so to speak—that the military court had jurisdiction.

Mr. KERN. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Indiana?

Mr. GOFF. I do.

Mr. KERN. Is it not true that the governor of Colorado, in directing the arrest of citizens of that State, simply ordered them detained and then turned over to the civil courts for trial? Was not that the extent of the authority which he undertook to exercise?

Mr. GOFF. That may be.

Mr. KERN. Is it not so stated?

Mr. GOFF. I am not aware as to whether or not a proclamation was issued there that gave any special directions. But does it follow because that course was taken in Colorado that it should also be taken in other places? Why, not at all.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. The Senator from West Virginia has stated that this riotous condition was limited to a very small territory. I wish to be clear as to whether or not the ordinary civil and criminal tribunals of the county in which this territory was situated were in full operation. Were the ordinary courts of justice open and in a condition to transact business?

Mr. GOFF. The ordinary courts of justice in the strike zone, as we will call it, consisted of courts held by justices of the peace, in effect.

Mr. REED. If the Senator will pardon me, I will state the point I am trying to get at, and I am trying to get at it for the purpose of obtaining light. There was a strike zone, a zone in which there was riot and disturbance and disorder, and I apprehend, from what has been said here, of a very aggravated kind. But were not the ordinary criminal and civil courts or the courts having criminal and civil jurisdiction in that county in a condition to proceed unobstructed by the strike?

Mr. GOFF. Outside of the strike zone?

Mr. REED. Yes.

Mr. GOFF. Most undoubtedly.

Mr. REED. Could not a man arrested for a criminal act within the strike zone have been taken outside of the strike zone, before the ordinary court of the county, and have been tried without difficulty?

Mr. GOFF. He might have been, but in my judgment it would have been utterly improper for him to have been so tried.

Mr. REED. I was simply trying to ascertain the fact.

Mr. GOFF. Very well.

Mr. REED. May I ask a further question? As I understand, then, it is conceded that these courts were open, and that the processes of justice went on unobstructed. Does the Senator think those courts would have performed their duty, and would have punished crime, if the criminal had been properly brought before the court with proper evidence?

Mr. GOFF. In the first place, the courts to which the Senator has alluded would have no jurisdiction of a crime outside of assault and battery.

Mr. REED. I do not want to have any misunderstanding with the Senator. I will say to the Senator that I am not asking these questions for the purpose of being antagonistic to him.

Mr. GOFF. I hope I have not intimated anything of that kind.

Mr. REED. In West Virginia you have a court that has general criminal jurisdiction in each county, I take it?

Mr. GOFF. Yes, sir.

Mr. REED. That court was held at the county seat of the county in which this strike zone existed; and that court was constantly open for the transaction of business during the strike, as it would have been at any other time. That is correct, is it not?

Mr. GOFF. That is correct.

Mr. REED. Was there any such condition existing in that county as would have made it impossible or difficult for that court to have administered justice in the case of a man who was arrested within the strike zone and brought before it?

Mr. GOFF. I have said repeatedly, and I am glad of an opportunity to say it once more, that all the courts in West Virginia were open, are open, have been open, are held by distinguished judges, and cases are expeditiously and properly disposed of, except in the strike zone.

Mr. REED. Coming now to the Senator's illustration, if he will pardon me, he states that he will consider this Chamber to represent the State of West Virginia and his desk to represent

the strike zone. Suppose an act of violence were committed at the point indicated as his desk, the strike zone. As I understand him that would be within a certain county, and the man guilty of the act of violence would have been tried within that county, in a court presided over by a distinguished judge, and the processes of justice would not have been interfered with at all by the strike condition. The court would have been held, a jury would have been impaneled, and justice would have been administered. That was the condition of affairs, as I understand?

Mr. GOFF. Very well.

Mr. REED. Now, I desire to ask the Senator this question: With that court open, presided over by a distinguished judge, with the processes of justice unobstructed, with the certainty of conviction in a proper case, does he think the governor of the State was justified in setting aside the laws of the State, or of attempting to set them aside, and improvising a criminal tribunal composed of militia officers to try men and impose serious penalties? Does he think he was justified in doing that when the courts of West Virginia were open, and had been duly organized, and were presided over by men of distinction and learning and ability?

Mr. GOFF. Had the governor of West Virginia made any effort to place any other part of the territory of that State in the condition in which he placed the zone, he could not and would not have been upheld a moment of time.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. GOFF. I do.

Mr. WORKS. The Senator from Missouri is asking the Senator from West Virginia as to what condition of things existed at that time. Necessarily the proclamation of the governor of the State placing this particular territory under martial law was founded upon the fact that the conditions were such that the courts could not perform their ordinary functions. That is a question which the governor himself must determine and as to the correctness of which the Senate of the United States has no power to inquire. There is no reason why we should investigate as to that particular phase of it, because I understand the courts have held time and again that the governor of the State has the right to determine that question, and his determination of it is conclusive.

Mr. BORAH. Will the Senator permit me to say a word in answer to what the Senator from California has said?

Mr. GOFF. I will.

Mr. BORAH. If it be true that the governor of a State may declare a territory within the State in insurrection, of course he may declare the entire State under martial law. If it be true that after he has declared martial law he may supplant the civil authority and the civil law and try men by court-martial, then there is positively nothing left of our institutions as we have understood them. There is no crime, there is no offense, which he may not try in his own way and with his own improvised tribunal. If the fact that he has declared the State to be in insurrection be conclusive, and these other things follow as a result of that conclusion, and the United States Government must stand and look on and see it proceed, we can be Mexicanized inside of 48 hours. Now, the governor can declare martial law, but he can not thereby suspend all provisions of the Constitution and nullify the law of the land.

Mr. GOFF. Mr. President, the Senator from Idaho may put that construction upon what has taken place in West Virginia if he wishes.

Mr. BORAH. I was assuming that if the Senator from California was correct in his position and we were powerless to examine into the matter, that was what would follow. I do not say that has followed in West Virginia. I have avoided discussing these facts, which I do not desire to discuss until the investigation has been had and we know precisely what happened. But the Senator from West Virginia must recognize the fact that if the proclamation of the governor is conclusive, and if it follows as a matter of law, as a matter of right, or as a matter of authority from that proclamation that he may supplant the civil authority and do away with the civil courts and try men by military tribunal for the violation of State laws, the theory of a right to trial by jury is a mere theory. Now, we will not disagree as to the power of the governor to declare martial law, but we disagree as to what follows as a result of that declaration.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

Mr. GOFF. With pleasure.

Mr. NELSON. Partly in response to the question suggested by the Senator from Utah [Mr. SUTHERLAND] and partly in reference to doubts expressed by the Senator from Iowa [Mr. CUMMINS], I beg leave to read the following paragraph from Benet's Military Law on the subject of courts-martial. It is very brief, and I trust the Senator will not object to my reading it:

JURISDICTION.

Military offenses under the rules and articles of war must be tried in the manner therein directed, by courts-martial; but military offenses which do not come within the statute must be tried and punished under the laws of war, by military commissions. Many offenses, however, which in time of peace are civil offenses, become in time of war military offenses, and the offenders are to be tried by a military tribunal, even in places where civil tribunals exist.

Mr. CUMMINS. Mr. President, I have no doubt whatever of the right of a military commission not only to try criminal offenses, so called, but to try civil cases. It can award judgment for the plaintiff against the defendant for the recovery of money. The question is, What conditions must exist in order to warrant the military commission?

In addition to what the Senator from Idaho [Mr. BORAH] has said, I desire to ask the Senator from West Virginia if this further consequence would not follow if the conclusion or the finding or proclamation of the governor were conclusive. Of course he can supplant the legislature just as easily as he can supplant the courts. There is no such thing as a legislature under military law, for there is no need of a legislature. The commanding general makes the law, and I think there are circumstances under which he must make it. But I am sure it would not be contended that the governor of West Virginia could issue a proclamation placing the whole State under martial law, supplanting the general assembly, supplanting the courts, and substituting for both the will of the commanding general. I do not believe the Senator from West Virginia will go to that length.

Mr. GOFF. If there is insurrection throughout the limits of the State of West Virginia, the governor has the same right to designate the entire State as being under the rule of martial law; and, using the language of the Supreme Court of the United States, the commander in chief in that State would control it by his own will, because that is the law of war.

Mr. BORAH. Mr. President, suppose there is no insurrection in the State of West Virginia, but the governor of West Virginia declares that there is a state of insurrection and issues a proclamation?

Mr. GOFF. Oh, that is a violent assumption.

Mr. BORAH. Exactly; but in order to arrive at the logical conclusion, to which we must go if we are going to follow this matter, we must assume that such a condition of affairs could exist. Suppose he should do it; suppose that the governor, not of West Virginia but of some other State, should do it; then the supposition would not be so violent perhaps. Does the Senator say we could not inquire into the conditions which prevailed in the State as a result of declaring martial law?

Mr. GOFF. Not the Senate of the United States.

Mr. BORAH. Does the Senator say no one else could—neither the courts nor anybody else?

Mr. GOFF. I am not prepared to say that.

Mr. BORAH. Then it is a very easy job to change our form of government.

Mr. GOFF. No; it is a violent supposition that a man elected to the executive office of any of the States of this Nation would presume to take any such action as the Senator from Idaho has indicated.

Mr. BORAH. Mr. President, the very object and purpose of the fathers in framing our form of government as they did, and putting these limitations upon it, was on the theory that somebody might do that very thing. It was to get away from the gentlemen who had done those things that we rebelled and set up our form of government.

Mr. GOFF. And we have established a government that from that time down to this has never given us one isolated instance of conduct on the part of an executive such as the Senator from Idaho has alluded to. They have never taken such action; and I say it is a violent assumption to assume that they would do so in any State of the American Union.

Mr. BORAH. Mr. President, the Senator lays considerable stress upon the proposition that that has not been done "down to this time."

Mr. GOFF. Yes.

Mr. BORAH. I concede that proposition, but the question we are now discussing is whether this is not a precedent.

Mr. GOFF. I understood the Senator to indicate that he believed the governor had the right to proclaim martial law, and to prescribe the zone within which it should prevail.

Mr. BORAH. I do.

Mr. GOFF. Very well.

Mr. BORAH. But I do not concede that the governor of the State has the right to close the courts, or to supplant the civil authorities, or to ignore the provisions of the Constitution.

Mr. GOFF. The Senator is right.

Mr. BORAH. If the Senator will permit me—

Mr. GOFF. One minute, in answer to that suggestion. The governor does not close the courts. It is the absolute, inevitable result of war that closes courts and establishes martial law. That is what it is.

Mr. BORAH. Mr. President, I should like to read at this point a single sentence from the Milligan case, because it answers the whole controversy, as it seems to me, over which the discussion has ranged to-day:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances.

Mr. GOFF. That is true. Now, will the Senator take the decision of the Supreme Court of the United States in the Moyer case? Are we not to read these decisions and to construe them in the light of the situation existing when the decision is rendered?

Mr. BORAH. Mr. President, the Moyer case sustained no other principle than the right of the executive to police the situation and to execute the processes of the civil authorities when the civil authorities themselves could not execute them.

Mr. GOFF. The principle laid down in the Moyer case, in the language of the court, was that pending an insurrection of that character the very process of the civil courts was superseded by the process of the military authorities.

Mr. BORAH. The process—exactly.

Mr. GOFF. Yes.

Mr. BORAH. If I may be permitted to say so, when we had the difficulties in the Coeur d'Alene region we sometimes brought the prisoners, we brought the witnesses, to the court oftentimes in the company of soldiers, for the reason that the riotous conditions were such that the processes of the court could not be served otherwise; but that was simply the execution of the process of the court. It was not an attempt to supplant the trial of a court. Martial law may accompany a citizen to the courthouse steps, but it can not enter the courthouse so long as the courthouse door is open.

Mr. GOFF. My idea is that a court that is held to try prisoners that are taken before it by soldiers is a court that necessarily is inefficient in the discharge of its duties.

Mr. BORAH. Mr. President, we succeeded in that instance.

Mr. GOFF. Very well; you may have. But is it not preposterous to assume that the courts are to be kept open by military guard and that it requires the strong arm of war, of soldiery, to conduct prisoners to their doors? Why, the very statement of the case, it seems to me, shows the utter folly of trying to hold court under such circumstances.

Mr. BORAH. That is exactly the line of demarcation between martial law and civil law, and it is a matter of common law. Martial law may police; it may keep order; but that is the extent to which it may go. It can go no further.

Mr. WILLIAMS. It may arrest.

Mr. BORAH. I say, it may keep order.

Mr. GOFF. We have cited here case after case from the Supreme Court of the United States in which exactly the contrary has been held. That is the Luther versus Borden case. You know that is the decision of the Supreme Court.

Mr. BORAH. Mr. President, the Luther versus Borden case, if the Senator will permit me for a moment—

Mr. GOFF. I will. I should like to have the Senator explain it in any other light if he can.

Mr. BORAH. The Luther versus Borden case went no further than to establish that exact proposition. What was the Luther versus Borden case? As we know, Rhode Island at the time of the formation of the Union remained under the old royal charter—the charter from the King. A certain portion of her people became tired of that charter; they formed a different constitution and voluntarily met together for that purpose. The main question in that case was as to which should prevail—the Royal Government, under the royal charter, or the one which had been organized by the voluntary meeting of the citizens. That was the main proposition.

During this controversy between the two State governments martial law was declared, however, and in the execution of the processes of the authorities a house was broken into for the purpose of arresting and detaining a person who was acting in violation of law. They went no further. The man was not tried by any military tribunal. He was simply arrested. The processes of the law were executed by the military authorities. But Chief Justice Taney says in that very decision that they may go so far as to restrain the violence of the citizen, but if

they proceed any further they must be responsible to the civil authorities for what they do. Let me read that:

It was a state of war; and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things the officers engaged in its military service might lawfully arrest anyone who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection; and might order a house to be forcibly entered and searched, when there were reasonable grounds for supposing he might be there concealed. Without the power to do this martial law and the military array of the government would be mere parade, and rather encourage attack than repel it. No more force however, can be used than is necessary to accomplish the object. And if the power is exercised for the purposes of oppression, or any injury willfully done to person or property, the party by whom, or by whose order, it is committed would undoubtedly be answerable. (U. S. 48, Howard's Reports, p. 45.)

Now, let me read another citation here, while I am on my feet; and I read it for the reason that, in my judgment, a thousand years ago this line of demarcation was laid down and has never been departed from by any Anglo-Saxon court.

Lord Coke says (in 3 Inst., 52): "If a lieutenant, or other that hath commission of martial authority in time of peace, hang or otherwise execute any man by color of martial law, this is murder." "Thom. Count de Lancaster, being taken in open insurrection, was by judgment of martial law put to death," and this, though during an insurrection, was adjudged to be murder, because done in time of peace, and while the courts of law were open. (U. S. 48, Howard's Reports, p. 64.)

Now, there is the line of demarcation.

Mr. GOFF. Because done in time of peace.

Mr. BORAH. But in time of insurrection.

Mr. GOFF. That does not mean, though, if it was done in the district where the insurrection existed. That is what I mean.

Now, the Senator has read from the Supreme Court in the Luther versus Borden case a portion. Let us see what else the court says:

And, unquestionably, a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority.

The declaration of martial law proclaims the inability of the civil courts to maintain order, to enforce their process, to subdue insurrection.

Mr. BORAH. Mr. President, that is where I differ with the Senator.

Mr. GOFF. I know you do; but that is what the authorities enunciate.

Mr. BORAH. The declaration of martial law need not interfere with the civil courts at all, and, in my judgment, it can not interfere with the civil courts. There is not any power in this Government to supplant the civil authorities or the common law of the country or the statutory law of the country through the power of martial law.

Mr. GOFF. Not except during the existence of the insurrection; certainly not; but during that it must exist.

Mr. BORAH. But the martial law goes to the extent of restraining the violence, of policing the situation, and no further.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Missouri?

Mr. GOFF. I do.

Mr. REED. I just wanted to ask, as a matter of information, who constituted the military tribunal before whom these people were tried, if the Senator knows, personally, of course?

Mr. GOFF. I can not give you their names; but they were members of the military corps in that zone, some of them.

Mr. REED. Were they officers of the militia or were they men trained in the law, judges, or men of that kind?

Mr. GOFF. I think they were officers of the militia.

Mr. REED. Can the Senator tell us under what rule of law they tried the men? I notice in this order the statement is made that the military tribunal may impose heavier penalties or lighter penalties than are provided by law. I take it the civil law was wiped out. Now, under what law, by what rule, did they adjudge these men? There being no civil law, where did they get their law? Had there been any proclamation defining crime? Had there been anything by which a man could tell whether he had violated the law or not until he was brought before that tribunal and found out what that tribunal of military officers considered a violation?

Mr. GOFF. I have endeavored several times to explain the theory that the governor acted on, and on which he based his proclamation. That, again, is this, and it answers the Senator's

question: He took the position that I think he was justified in taking, that the insurrection on Paint and Cabin Creeks was of such a character as to render it absolutely necessary for him, in the discharge of his duty, in protecting the citizenship and the dignity of the State, as under the decisions of the courts made his will the law—made him, as commander in chief, virtually a dictator in the martial zone. Unless you concede that right, unless the governor of a State, when he issues a proclamation of that kind, when he declares the existence of martial law, has the supreme power as the usages of war give him, unless that power exist to him he might just as well not issue the proclamation.

Mr. REED. Mr. President, if the Senator will pardon a further question, I think I understand the Senator's position. It is that the governor had the power to issue an order placing this section of his State under martial law.

The question I am trying to get at is what this martial law consisted of in that territory. To illustrate what I mean: I have always understood that when a country was actually placed under martial law in time of actual war the authority declaring it under martial law proceeded to issue the law, to issue an order to the inhabitants which prescribed the offenses and warned them against committing the offenses, and then in case of a violation of that order in time of actual war a military offender would be tried by a military tribunal. But in this case I want to know whether there was any order issued, any statement ever made to the people as to what would constitute offenses, or whether men were simply dragged before this military commission by the soldiery and put upon trial for having violated martial law, and what that martial law was rested solely in the breast of the commission, and was nowhere else to be found.

Mr. GOFF. The Senator is mistaken about that. The governor did issue his proclamation. The governor did state, as I endeavored to explain a few moments ago, what the punishment should be, except in some cases that they might make it heavier or less. The crimes he referred to were all specified in our statutes, defined in our code, and it was these offenses that the military commission was given jurisdiction over. The governor, as a matter of fact, was commander in chief, and under the usages of war, as it has existed almost from time immemorial, his will was law. You will all recall the decision in the Butler case, which originated in New Orleans during the Civil War, in which the Supreme Court of the United States held in just so many words that the will of Gen. Butler was supreme law at New Orleans. That is what I am trying to explain to the Senate—that the governor when he so acted, acted as I say the Supreme Court had given him authority to do. The military court, if you wish to so call it, was his agent; it acted for him, for he could not be everywhere. He reserved the right to supervise its proceedings, which he always did with justice and with mercy. When war or insurrection prevails because of which martial law exists—fearful as it is to even contemplate—nevertheless the situation must be met with an iron hand, if not peace will never return and law and order will forever disappear.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. GOFF. I do.

Mr. SIMMONS. I simply desire to say to the Senator from West Virginia that we had something in the nature of an understanding about an hour and a half ago. It was not sanctioned by the action of the Senate, but I think there was general assent to it. It was that the matter the Senator is now so ably discussing should be taken up for an hour, and then the Senator from Indiana [Mr. KERN] would ask to lay it aside. I was going to ask the Senator from West Virginia if he would not be willing, in view of that tentative understanding, to postpone his remarks until, say, to-morrow.

Mr. GOFF. Do I understand the Senator from North Carolina to intimate that the Senator from Indiana is willing or anxious that this resolution shall go over? I understood that the situation was so serious that it demanded immediate and urgent attention.

Mr. SIMMONS. I understood the Senator from Indiana to state that in an hour he would ask that it might go over. The Senator from Indiana has been pressing the resolution with great vigor, I think, but in deference to the wishes of a great many Senators that the matter with reference to the tariff bill should be disposed of, the Senator, as I understood him, stated that at the end of an hour he would ask that the resolution be temporarily laid aside. I trust the Senator from West Virginia will acquiesce in that course and permit us to proceed with the motion.

Mr. GOFF. Will the Senator from North Carolina advise me clearly and fully what it is he desires to take up and dispose of?

Mr. SIMMONS. It is the motion to refer the tariff bill to the Finance Committee.

Mr. SMITH of Georgia. And what we desired, Mr. President, was to know if the Senator from West Virginia would yield to allow us to displace the matter now before the Senate and take up the motion referring the tariff bill.

Mr. SIMMONS. I did not understand—

Mr. BORAH. Mr. President, I am not in charge of the resolution, but I am sufficiently interested in it to say that I would not consent to a motion being made which would displace it. If the Senator from Indiana, in the exercise of his judgment, shall ask to have it temporarily laid aside, I think there will be no objection.

Mr. SIMMONS. I understood that that is what the Senator said he would do at the end of an hour.

Mr. KERN. Mr. President—

Mr. GOFF. I yielded yesterday when I was discussing this proposition right in the midst of the discussion of a case which I had cited from the Supreme Court. Now the same proposition comes to me, and unless there is some urgency about the matter that I do not at this time realize I beg to be excused.

Mr. SIMMONS. Of course the Senator recognizes that there is no disposition to take him off his feet without his consent. I supposed, in view of the statement made by the Senator from Indiana that at the end of an hour he would ask the Senate to temporarily lay the unfinished business aside, by reason of which statement I did not make a motion to proceed with the consideration of the motion to refer the tariff bill to the committee, the Senator from West Virginia would agree to yield.

Mr. GOFF. Is it the wish of the members of the Finance Committee—and I am speaking now of those upon both sides of the aisle—that this course should be taken?

Mr. SIMMONS. It is the wish of the majority members of the Finance Committee. I do not know what may be the wish of the minority members.

Mr. PENROSE. I think the minority members of the Finance Committee are anxious to have a vote on the motion of the Senator from North Carolina at as early a time as possible.

Mr. KERN. I am very anxious to have the matter which is now under discussion disposed of, and I have so expressed myself at all times. I know, or thought I knew, that all the members of the Finance Committee desire a vote on the question of the reference of the tariff bill. In view of that, I said it would be entirely agreeable to me, and at the expiration of an hour I would ask that the pending business be temporarily laid aside until that vote was taken. It was suggested by the Senator from Utah [Mr. Smoot] that if at the end of an hour there was some speaker on his feet the request should not be made. I assured him and the Senate that any speaker on his feet would be treated with courtesy.

If the Senator from West Virginia is to be inconvenienced, of course I will not make the request. If, however, he could without inconvenience suspend his remarks and let this matter be temporarily laid aside until the vote may be taken to refer the tariff bill in the course of two or three hours, it would be a favor to me and doubtless to all members of the Finance Committee. That is all of the situation.

Mr. SIMMONS. I wish to assure the Senator from West Virginia that there is an earnest desire, as I understand it, on the part of the Finance Committee that the matter of reference should be disposed of this afternoon.

Mr. WORKS. May I ask the Senator from North Carolina—

Mr. GOFF. Does the temporary delay or suspension the Senator alludes to necessarily mean that the pending matter goes over for to-day?

Mr. SIMMONS. No; it will be taken up as soon as a vote is had on the motion to refer.

Mr. GOFF. What do I understand by two or three hours?

Mr. KERN. It remains the unfinished business.

Mr. SIMMONS. It remains the unfinished business. It is not displaced.

Mr. KERN. If it will accommodate the Senator to let it go over as the unfinished business until to-morrow, we would yield that point to him.

Mr. WORKS. I wanted to ask the Senator from North Carolina whether it would be understood that the resolution is laid aside temporarily only for the purpose of taking a vote upon the motion without the intervention of other business, executive or otherwise.

Mr. SIMMONS. That is my understanding.

Mr. KERN. That is all.

The VICE PRESIDENT. The Senator from West Virginia has the floor.

Mr. GOFF. I yield to the suggestion of the members of the Finance Committee, if it will be understood that the pending resolution comes up as the unfinished business.

Mr. SIMMONS. I beg pardon of the Senator; I did not hear him.

Mr. GOFF. The resolution will come up as the unfinished business?

Mr. SIMMONS. It does not displace it as the unfinished business. I ask that the resolution—

Mr. BORAH. Mr. President, I presume we may safely assume that it will not be brought up again to-day.

Mr. KERN. I think it is doubtful; but it is not displaced. It will remain as the unfinished business of the Senate after the motion to refer is disposed of.

Mr. CRAWFORD. I understand that no other intervening business is to occur except the motion to refer.

Mr. SIMMONS. That is the understanding.

Mr. KERN. That is all.

Mr. CLARKE of Arkansas. If it goes over as the unfinished business, it will come up regularly at 2 o'clock to-morrow. It would not preclude the morning business and such other things as may be necessary.

Mr. CRAWFORD. It is not the purpose to take it up again this afternoon?

Mr. SIMMONS. I understand that it is not. I ask that the motion to refer the tariff bill to the Finance Committee be laid before the Senate.

Mr. SMOOT. I would suggest to the Senator from Indiana that he had better ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. KERN. I understood that that was implied.

Mr. SMOOT. It has not been done by the Senate.

Mr. KERN. I ask unanimous consent that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the pending resolution, which is the unfinished business, be temporarily laid aside.

Mr. CLARKE of Arkansas. The effect of that is to carry it over until 2 o'clock to-morrow?

Mr. SMOOT. Certainly.

Mr. CLARKE of Arkansas. With that understanding, I do not object.

The VICE PRESIDENT. There being no objection, the unfinished business is temporarily laid aside.

THE TARIFF.

The VICE PRESIDENT. The Senator from North Carolina now asks that his motion to refer the tariff bill to the Finance Committee, with amendments thereto, be laid before the Senate. There being no objection, that question is now before the Senate, and the Senator from Colorado [Mr. Thomas] has the floor.

Mr. THOMAS. Mr. President, when interrupted I was reading an extract from an article by Prof. Taussig which refers to the character of labor employed in the beet fields of the country. I will proceed at the point where the consideration of this subject was suspended:

Almost everywhere in the beet-sugar districts we find laborers who are employed or contracted for in gangs; an inferior class, utilized and perhaps exploited by a superior class. The agricultural laborers in the beet fields are usually a very different set from the farmers. On the Pacific coast they are Chinese or Mexicans. Except in southern California, where the Mexicans are near at hand, most of the work is done by Japanese under contract, there being usually a head contractor, a sort of sweeper, who undertakes to furnish the men. In very recent years Hindus (brought down from British Columbia) also have appeared in the beet fields of California. In Colorado "immigrants from old Mexico compete with New Mexicans (i. e., born in New Mexico), Russians, and Japanese." Indians from the reservation have been employed in Colorado, and boys have been sent out under supervisors from the juvenile court of Denver. At one time convict labor was used in Nebraska.

In some parts of Colorado, in Montana, and at the beet fields of the single factory in Kansas, Russian Germans are employed. These curious and interesting people are Germans who were imported into Russia by the Empress Katherine; they persistently maintained their race and language and religion; in recent years they have been driven from Russia by persecution. They now center about Lincoln, Nebr., and are shipped under contract to the beet fields, where they are assiduous and much-prized workers. They are much more welcome than the fickle Indians and Mexicans; more welcome even than the Japanese, who are quick and capable, but often break their contracts. The German Russians camp in whole families at the beet region for the summer; men, women, and children toll in the fields. In Michigan the main labor supply comes from the Polish and Bohemian population of Cleveland, Buffalo, and Pittsburgh. The circulars issued by the Department of Agriculture and by the State boards and bureaus repeatedly call the attention of the beet farmers to the possibility of employing cheap immigrants. The troublesome labor problems, it is said, need not cause worry; here is a large supply of just the persons wanted. "Living in cities there is a class of foreigners—Germans, French, Russians, Hollanders, Austrians, Bohemians—who have had more or less experience

in beet growing in their native countries. * * * Every spring sees large colonies of this class of workmen moving out from our cities into the beet fields."

Now, my criticism of this condition is not aimed at the workers as such nor at the work itself. It is aimed at the fact that if protection is needed for this industry because of the problems of labor involved in it, then that protection does not benefit the citizens of this country, but is for a class some of whom may become citizens, some of whom are precluded from becoming citizens, but all of whom belong to that class which under the system of protection is undermining the employment of Americans and substituting for them in all the varied lines of highly protected pursuits a class of people who ought not to be so employed to the exclusion of our own people unless it is due to the absolute necessity of conditions beyond the control of men. It is this phase of the question of labor in America which, in my judgment, constitutes its most important and at the same time its most sinister aspect.

It may be that the nature of the work which these people are required to do and for which it is said they are better paid than they would be anywhere else is such that it will not be performed by any other class of people, and therefore these must be employed to do it in this particular industry, and I think that is very largely true. But the necessity which requires this employment is one thing and the contention that high wages are paid to them because of the protection granted by the Government to that industry is quite another thing.

There is another class of labor, of course, which is employed in this industry, a higher class of labor, but which is separate and distinct from the hand labor in the beet fields to which I am now referring. There is still another class in the factories, but its amount is comparatively small, the boast of the beet-sugar refiner being that through improved machinery conditions the human hand does not touch the material from the time the beets are sliced at one end of the factory until the finished product appears ready for the market at the other. Of course, my criticisms do not concern that element.

Mr. President, I willingly concede that there are wages paid by some of these companies which stand in grateful contrast to the rate paid to the common laborer, whatever that rate may be. It is not peculiar to this industry; it is characteristic of all these highly organized and capitalized combinations. It is the wage which is received by the men on top, by the men higher up, and which is also included in the general aggregate of the cost of production, the contrast between the two being as strikingly apparent as it is in other protected industries.

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from California?

Mr. THOMAS. I yield.

Mr. WORKS. Does the Senator from Colorado mean to be understood that in the amount of wages paid, as I gave them, the higher-up employees were included?

Mr. THOMAS. Oh, no.

Mr. WORKS. My discussion of the subject related entirely, I will have the Senator understand, to workmen in the beet fields.

Mr. THOMAS. I understood that perfectly. I have reference, Mr. President, to the salaries paid by some of these companies to their officials, which, as I have said, is remarkable, if for no other reason, for the contrast presented to the class of laborers and the amount of their wages, which have been here the subject of discussion and which, as I have said, also constitute an item entering into the cost of production. I know of one company which pays its president \$35,000 a year.

Mr. SMOOT. Mr. President, will the Senator name the company?

Mr. THOMAS. Certainly. It is the Great Western.

Mr. SMOOT. How many factories has the Great Western Co.?

Mr. THOMAS. They have 9, I think—9 or 10—9 in my State.

Mr. SMOOT. And they pay their president \$35,000 a year?

Mr. THOMAS. Yes; and they pay the manager \$25,000; the vice president \$10,000, and the treasurer \$5,000. What the scale of wages is below that I do not know; but it is indicative of the fact, Mr. President, that there are two scales of wages in these protected industries—one out of all proportion, in my judgment, in its size; the other never beyond what the market justifies.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. Certainly.

Mr. SMOOT. I should like to ask the Senator if that is not the case in every vocation of life, and particularly as to the fees in the practice of law?

Mr. THOMAS. I think it is the case, Mr. President, in industries as now organized; and I think that in the law the men who have laboriously acquired a position in the profession, whose abilities and reputation have been established, and particularly when they have been established to such a degree that they appeal to these great combinations, which need those abilities to enable them to graze the edges of the law and avoid its penalties in carrying out their schemes and machinations—some of these are very highly compensated, as I am informed.

Mr. SMOOT. Well, Mr. President, I suppose that the Senator will not confine his comparison to that particular class of attorneys—

Mr. THOMAS. Oh, no.

Mr. SMOOT. Because I am sure the Senator knows just as well as I do that in the great mining suits in the West, when large questions are involved, the men who are interested in those disputes always seek out the man whom they think is most able to present their case in the very best possible way. On the other hand, I never object to the attorney charging for it whether the suit concerns a great corporation or any other kind of a company.

Mr. THOMAS. I do not know whether the Senator's statement is intended for a question or a stump speech.

Mr. SMOOT. Oh, not at all. I am only referring to my own personal experience. I will say that I never had the Senator as an attorney in a lawsuit, but I have had experience along that line, and I am speaking from personal experience.

Mr. THOMAS. It is undoubtedly true, Mr. President, that the class of counsel to whom the Senator from Utah refers are not all of them employed in the manner to which I have referred. I plead guilty to the fact also that I have received some pretty good fees in mining cases, and that the work was in many respects more lucrative, if not more agreeable, than the task in which I am now engaged.

Mr. SMOOT. I agree with the Senator.

Mr. THOMAS. But, Mr. President, I do not believe that attorneys, when employed in mining cases or in any other cases, if you please, should be confounded with that class of salaried men whose compensation is included in the cost of production of a given article of commerce, and so included as a reason for continuing a high tariff duty upon the necessities of life upon the theory that the cost of production makes such protection necessary as against foreign competition. I am mentioning this matter in no captious spirit, in no complaining mood. I am not here for the purpose of saying that those gentlemen do not earn their money. I might go further and admit that they do, but it is the contrast to which I wish to focus attention, for it reveals the real beneficiaries of protection as well as the range of compensation which, when the question of cost of production is considered, in its bearing upon the general welfare of the consumers of the country, is carefully kept in the background. I shall say nothing further upon this general subject, but there are one or two other matters which have been discussed in this debate to which I wish to refer before taking my seat.

The Senator from Michigan [Mr. SMITH], the other day, either misconceived or misconstrued my purpose when I called the attention of the Senate to a circular which was issued by a certain manufacturing concern in the State of New York. He said that I gave an exhibition of brazen effrontery here in asserting that the institutions and industries interested in or affected by the schedules of the Underwood bill should not be heard to remonstrate or to complain, and would be investigated if they did. If I had taken such a position, the criticism of the Senator from Michigan would be just, but I am unconscious of having done so. What I purposed was to focus attention upon what seemed to be a calculated and deliberate attempt to coerce the employees of a great industry into uniting with their employer in bringing pressure to bear upon the Senate of the United States for the purpose of preventing the enactment, in its present form at least, of the Underwood bill.

I said then, and I repeat, that whenever and wherever such conditions manifest themselves, I think it is the duty of Senators on both sides of this Chamber to emphasize the fact and to let the country know it, for, surely, no Senator in this body will contend that any man or corporation, however powerful or however sincere in the apprehension of impending injury or disaster, has any right or authority whatsoever to force the hands of dependent employees by threatening to reduce their wages, by demanding that they write letters or petitions, or by otherwise interfering with their voluntary action, to the end that the legislative policy of this body shall be influenced. Men may petition all they please; they may remonstrate all they please; they may entreat all they please; they may threaten all

they please, and prophesy to their heart's content; that is one thing, and no man should interfere, whether his judgment commends or condemns the practice. It is the exercise, however, of authority over others, that is always done on occasions of this kind, that has been done in the course of political campaigns heretofore, and that has determined the result in some of them—it is that evil to which my remarks were directed, Mr. President, an evil that has assumed tremendous proportions in the past, and which would exceed these proportions now were it not for the fact that the present administration is a tariff-revision-downward administration, and is in sympathy with the majority of both Houses of Congress, and, therefore, armed with authority to protect the weak and the dependent from this unwarranted and oppressive requirement. It was therefore, both desirable and just to have done what I did the other day in bringing the matter to the attention of the Senate as soon as the first specific instance of its exercise appeared, and thereby saving a good deal of trouble hereafter.

Mr. President, the Senator from Michigan, in the course of his remarks the other day, emphasized the old contention that any interference with or attempted amendment of tariff schedules, any attempted application of what I think he termed the Democratic idea of finance and of administrative economy to the laws of the country, produced great industrial disturbances and depressions. He drew a picture of the ovation which was paid to Mr. Wilson in the House of Representatives in 1894, on the occasion of the passage of the Wilson tariff bill through that body, and declared that the shoulders which bore him in triumph from that Chamber on that occasion soon afterwards bore a burden so heavy that it took 20 years of time for the party responsible for that measure to regain a sufficient amount of confidence from the American people to get back into power. Of course the inference, if not the assertion itself, was that we are on the threshold of a repetition of those unfortunate conditions, which can only be prevented by the defeat of the present measure or by submitting the task of revision to our friends across the aisle.

Mr. President, I think I can say with perfect impunity that no panic in the past history of this country was ever caused by any attempted reform of the tariff or by a downward revision of tariff schedules; that no such disturbance has ever occurred in the past which can be logically or properly traced to changes or attempted changes in the protective tariff laws of the United States. The Senator is too well acquainted with the history of his country, he is too able a statesman to be ignorant of the fact that the panic to which he alluded the other day was born, reached maturity, and had practically passed its crisis before the Wilson bill became a law.

It was a panic, Mr. President, which had its origin in entirely different causes; it was a panic deliberately produced in this country for the purpose of doing away with a statute of the United States, the operation of which was objectionable to the great financial powers of the country—I refer to what was popularly known as the Sherman silver law, whose repeal was accomplished through the perpetration of the most colossal tragedy of the nineteenth century, regardless of its consequences upon the business interests of the Nation, upon the welfare of the people, upon the general prosperity then everywhere prevalent.

The campaign of 1892 was ostensibly a campaign between two great political parties, with our old familiar friend, the tariff, as the issue between them. Each party nominated its ticket, adopted its platform, organized for the campaign, and made the issue of protection or tariff reform the principal subject of contention. The people supposed that to be the issue; but it was merely the decoy placed before the public for the purpose of arousing and deceiving them, as it did deceive them, while the real purpose of the campaign to be made effective through the election of Mr. Cleveland and the defeat of his opponent involved a tremendous revolution in the financial policy of the country.

Mr. President, I am not going into the history to any very great extent of that frightful period; but I believe that it is necessary at the outset of the consideration and determination by the Senate of this great measure to let the country know what were the real causes of the great industrial disturbances of the past, to the end that this apprehension, this prophecy of disaster, this campaign of prophecies of bad times, may not have the effect upon the public mind which it is designed to have, and which, when entertained, necessarily deters many from a consideration and performance of what the duties and demands of the time require.

I have said that the panic of 1893, ascribed to the change in our tariff policy as contemplated and pledged by the Democratic administration and upon which issue it was supposed

to have been elected, was wholly due to other causes. There was a great silver sentiment in those days. It was based upon the best of reasons. Those who believed in bimetalism stood with their feet firmly planted on the Constitution of the United States, and the great heart of the common people everywhere sustained them. They knew, as we knew, that both metals were essential in the performance of their monetary functions to the financial well-being of the country; but the great financial interests of that day, Mr. President, were, and had been for years, absolutely opposed to anything but gold in this country as the ultimate money of redemption, the Constitution to the contrary notwithstanding. Not only that, but they were absolutely opposed to a continuance in circulation of the greenbacks and demanded their retirement. They also coveted the great power of note issue, which belongs to the Government and must belong to every government calling itself such the world over, and which, surrendered to the hands of private interests, would invest them with the most potent engine of sovereignty known to modern civilization.

President Cleveland was elected, and on the 4th day of March, 1893, took his seat. Eight days afterwards, on the 12th day of March, this circular was sent to national banks in the United States:

DEAR SIR: The interests of national bankers require immediate financial legislation by Congress. Silver, silver certificates, and Treasury notes must be retired.

I will read that again:

Silver, silver certificates, and Treasury notes must be retired and the national-bank notes, upon a gold basis, made the only money. This requires the authorization of \$500,000,000 to \$1,000,000,000 of new bonds as a basis of circulation. You will at once retire one-third of your circulation and call in one-half of your loans. Be careful to make a money stringency felt among your patrons, especially among influential business men. Advocate an extra session of Congress for the repeal of the purchase clause of the Sherman law, and act with other banks of your city in securing a large petition to Congress for its unconditional repeal, as per accompanying form. Use personal influence with Congressmen, and, particularly, let your wishes be known to your Senators.

Then, as now, the votes of Senators seemed to be of supreme importance, perhaps of controlling importance, the House of Representatives being then, as now, too unwieldy and with a majority too great, coming fresh then, as now, from the people, to be influenced in the right direction.

The future life of national banks as fixed and safe investments depends upon immediate action, as there is an increasing sentiment in favor of governmental legal-tender notes and silver coinage.

That circular acted, as a writer upon the subject has well said, "like a bombshell in a glass factory." A third of the bank notes were to be retired from circulation; in other words, millions of circulating money were for all practical purposes to be destroyed and money made as dear as possible. On the other hand, one-half of all the outstanding loans were to be called in. No enginery which the mind of man can conceive, Mr. President, is so powerful as those two agencies combined for the production of widespread and universal national disaster, and it came. And the interests which to-day are declaring their belief that disaster may result from the enactment of legislation designed to reduce the burdens of taxation may, if it becomes necessary from their point of view, precipitate panic through their control of credits and exchanges. I said that that was a conspiracy. There can be no question about it.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. THOMAS. Certainly.

Mr. NORRIS. I want to ask the Senator if he has the name of the person or the firm sending out that circular letter?

Mr. THOMAS. The Senator will find an account of this subject in the July, 1895, number of *The Forum*, under an article entitled "Sound currency the dominant political issue."

Mr. NORRIS. Can the Senator not give the name of the author?

Mr. THOMAS. I can not give it at this moment. It emanated from New York City.

Mr. NORRIS. Does the Senator know the bank from which it emanated?

Mr. THOMAS. I do not.

Mr. NORRIS. Does the Senator know how universally the instructions were obeyed which were contained in the circular?

Mr. THOMAS. History answers that.

Mr. NORRIS. I would ask the Senator particularly if the banks did immediately, and for the reason that they were commanded to do so by the circular, call in one-half of all their loans?

Mr. THOMAS. The bankers retired a good part of their circulation and called in their loans, or a great many of them did.

Mr. NORRIS. Those things have occurred, at least to some extent; but I wanted to know, if I could, just how much effect that circular had upon the situation and how well it was obeyed. It seems to me that the ordinary banker would refuse to be dictated to by a letter which absolutely commanded him to call in one-half of his loans.

Mr. THOMAS. Oh, I suppose that there were many bankers who paid no attention to it. I do not mean to say that every person or every institution who received a copy of this circular acted in accordance with it. I know that was not the case in my section of the country.

Mr. NORRIS. I should like to ask the Senator if he can give us any information as to how much publicity was given to the circular at the time or about the time it was sent out?

Mr. THOMAS. I can only answer that—

Mr. NORRIS. I should think such a circular would have attracted a good deal of attention everywhere.

Mr. THOMAS. We heard a good deal during the special session of 1893 of an object lesson which had been given to the country. We heard a great deal at that time about the object lesson that had been given the country, and this was the object lesson.

Mr. NORRIS. Did the Senator at the time that it occurred have any knowledge of the circulation of that letter?

Mr. THOMAS. I knew while the debates at the special session of 1893, to which I listened from the gallery, that such a circular had been issued.

Mr. NORRIS. Was evidence given at that time as to who sent it?

Mr. THOMAS. My recollection is that if the Senator will turn to the debates of that memorable special session he will find information upon the subject.

Mr. NORRIS. I have no doubt of that; and I am interrogating the Senator for the purpose of information only. Personally I never heard of that circular, or if I did I have forgotten it. It struck me as being a remarkable thing, and it seemed to me that perhaps the Senator might be able to give me much more definite information in regard to it. Can the Senator inform us as to how general its circulation was? Was it sent to all of the banks?

Mr. THOMAS. My recollection is that it was addressed to the national banks.

Mr. NORRIS. I understand that.

Mr. THOMAS. The pamphlet which I have in my possession is an article upon the subject by Allan L. Benson, which appeared in Pearson's Magazine for March, 1912. I shall be very glad to give it to the Senator.

Mr. NORRIS. Has the Senator any other information as to its actual circulation than what is contained in that article?

Mr. THOMAS. I have referred to the article in The Forum and also to the debates at the special session. That is as much information as I can give the Senator at the present time.

Mr. PAGE. Mr. President—

Mr. NORRIS. Now, I should like to ask the Senator, if he will yield further, whether he does not know, as a matter of fact, that this letter could not have been widely circulated, or that, as a matter of fact, it was not something that was generally known all over the country?

Mr. THOMAS. Oh, Mr. President, it was not published in the daily papers. It was not sent to everybody.

Mr. NORRIS. Would it not have been published in the daily papers if it had been sent broadcast?

Mr. THOMAS. Oh, undoubtedly; and if it had been published in the daily papers it would have defeated its purpose.

Mr. NORRIS. The Senator does not mean to say that if every banker did receive one he would have been willing to conceal the fact that he had received it?

Mr. THOMAS. I do not think I said that.

Mr. NORRIS. No; I say, the Senator does not want to give that impression?

Mr. THOMAS. No.

Mr. NORRIS. Then, as a matter of fact, if it was sent to all of the bankers in the country, it would naturally have followed that a great many copies would have gotten into other hands and would have been given publicity immediately?

Mr. THOMAS. That depends entirely upon the circumstances under which it was sent. I have no doubt circulars have been sent since then by the same interests.

Mr. NORRIS. Oh, I have no doubt of that, either.

Mr. THOMAS. Which desire now to take the power of note issue from the Government of the United States and to retire the outstanding greenbacks.

Mr. NORRIS. I have no doubt but that that has often occurred, but in this particular instance it seems to me a remarkable statement is made. A command emanates from some

source telling the bankers how they shall conduct their business, and it seems to me remarkable that it should not have received great publicity at the time.

Mr. THOMAS. The men who control the finances of the United States are very apt to command, and do command, and their commands are generally obeyed.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. THOMAS. The Senator from Vermont [Mr. PAGE], I think, has the preference.

Mr. PAGE. I yield to the Senator from New York.

Mr. ROOT. I did not observe who signed this circular. I did not hear the Senator read the name of the signer.

Mr. THOMAS. I did not give the name of the signer, because there is no signer in the copy I have.

Mr. ROOT. Was this an anonymous circular?

Mr. THOMAS. I do not know, but I do not think it was. I think perhaps the Senator knows better than I do where it came from.

Mr. ROOT. I never heard of it. The idea that any considerable effect would be produced upon the action of the bankers of this country by a circular without any signature seems to me to be rather absurd.

Mr. THOMAS. I am not responsible for the manner in which it strikes the mind of the Senator from New York.

Mr. PAGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. THOMAS. In a moment. I think the Senator from New York is personally acquainted with Mr. William Solomon, of the great international banking house of Speyer & Co., who perhaps can give him a great deal of information, if he is still living.

Mr. ROOT. Mr. President, I have not the honor of the acquaintance of that gentleman, and if I had I certainly should not expect him to give me more or better information than the Senator from Colorado thinks would justify him as the basis of a speech to the Senate. It is the Senator from Colorado who has produced this circular and has stated that this was the basis of the panic which followed the repeal of the Sherman silver act and the agitation of the Wilson tariff bill. It is his responsibility to tell us what it is; and if he does not know, who signed it, or whether it was signed by anyone, then he is taking up the time of the Senate on a very slender foundation of conjecture and suspicion.

Mr. THOMAS. Mr. President, the Senator from Colorado does not have to take instructions from the Senator from New York, either as to this circular or as to anything else. He is responsible to his own people and to the country for what he says, and he proposes to continue this discussion along those lines, however much the Senator from New York may disapprove it.

Mr. PAGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. THOMAS. I do.

Mr. PAGE. I have great respect for the Senator from Colorado, but I think I was in a position to have known if any such circular as he has described had been sent to all the national banks of this country. I understand the Senator to go farther, and to say that a goodly portion of the banks of the country responded to this letter and reduced their loans as suggested by it.

I am morally certain that, so far as my own State is concerned, there was not a single bank in Vermont that responded to that circular if it came; and I think I am in position to have known the fact if it had existed. I want to say further to the Senator, that if he will investigate the matter and finds that a single bank in Vermont proceeded along the lines suggested in that circular, and will name some benevolent institution in his State that is in need, I will give it a check for \$250. I will do that for a single instance of any bank in Vermont that complied with that suggestion, if it was received; and I do not believe any one of them did receive it. Indeed, Mr. President, it seems to me the statement is so preposterous as hardly to require an answer. Still, I have no doubt that the Senator from Colorado makes it in good faith.

Mr. THOMAS. This "preposterous" statement seems to be calling forth a good many answers.

Mr. LANE. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Oregon?

Mr. THOMAS. I do.

Mr. LANE. I will say for the information of the various Senators, while I am not taking any part in this discussion,

that I heard rumors that there was such a circular in existence, and inquired of a friend of mine who is and was a national banker and did see the circular. He had received such a circular; it did exist; I read it myself, but I regret to say I have forgotten who signed it. It came from New York. I saw that identical circular, and I was assured by this banker that he acted upon it.

You may have that for just what it is worth. You are entirely welcome to the information.

Mr. SMOOT. Mr. President, if the Senator from Colorado does not know the name, and the Senator from Oregon will give us the name of the banker to whom he refers, we can telegraph and find out; perhaps he can remember the name of the gentleman who signed the circular.

Mr. LANE. I must decline to give the name of the banker. He is a friend of mine and is still in the banking business, and I fear that it would be disastrous to him.

Mr. THOMAS. The Senator from Oregon is very wise.

Mr. SMOOT. Mr. President, I want to say that this is the first time I ever heard of this circular.

Mr. LANE. I have known of it for, lo, these many years.

Mr. SMOOT. I, of course, am not going to question it until I make further examination into the matter, but I know that I was in such a position at that time that if any such circular had been sent to the banks in general I would have known it. I want to say to the Senator from Colorado that if a circular of that kind should come to a bank of which I was president, or of which I was a director, I should consider it an insult. There is no bank and no man in this country that has a right to demand of any banking institution what it shall do with its loans or its circulation. If the statement made by the Senator is correct, we can find out in about 10 minutes whether or not the circulation of the banks was withdrawn.

Mr. THOMAS. Oh, yes; I think if the Senator will consult the reports of the Comptroller of the Currency about the time a panic was inaugurated, he will find that it came about very largely through withdrawal of circulation and the calling in of loans.

Mr. SMOOT. I think the Senator is mistaken as to the circulation question. Of course it is not my desire at this time to discuss the question as to what was the cause of the panic of 1893-94-95. I have listened with a great deal of pleasure to what the Senator has said.

Mr. THOMAS. I have yielded more time now than I had supposed would be consumed; but let me ask the Senator from Vermont a question, if the Senator from Utah is through.

Mr. SMOOT. Yes; if the Senator desires to ask a question of the Senator from Vermont.

Mr. THOMAS. I desire to ask the Senator if he has ever seen this circular in Vermont?

Mr. PAGE. I do not know that I ever have; and I think if any circular of that kind had come from a responsible source I should have remembered it.

Mr. THOMAS. The Senator's recollection, then, is not clear on that subject?

Mr. PAGE. I was at that time, and am now, the president of a national bank.

Mr. THOMAS. I knew that, or the Senator would not have made an offer of \$250 for this purpose.

Mr. PAGE. I wish to say to the Senator that I have great respect for the bankers of Vermont—

Mr. THOMAS. So have I.

Mr. PAGE. And I do not believe any one of them would have received such a circular without having made it public and denouncing it.

Mr. BURTON. Will the Senator from Colorado yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. BURTON. I was unfortunately absent when the statement was made which has evoked criticism. What do I understand is the statement of the Senator from Colorado—that a circular was issued advising the national banks to diminish their circulation?

Mr. THOMAS. Yes, sir.

Mr. BURTON. At what time?

Mr. THOMAS. In 1893, on the 12th day of March.

Mr. BURTON. 1893?

Mr. THOMAS. Eight days after Mr. Cleveland's inauguration.

Mr. BURTON. Does not the Senator from Colorado know that the circulation of national banks increased, rather than diminished, after that?

Mr. THOMAS. No; I am not aware of it. On the contrary, I do not think that is the case.

Mr. BURTON. The circulation of national banks reached its minimum in the year 1891. There was a very sharp decline in circulation from 1888 to 1891, due principally to a perfectly

plain cause, namely, the very considerable amount of silver which was circulating as currency. That decrease continued to the year 1891, when it reached its minimum—that is, the circulation of national bank notes. It increased in 1892 over 1891. It increased in 1893 over 1892, and again in 1894 over 1893. So it seems that the inference of the Senator from Colorado is incorrect.

Mr. THOMAS. Perhaps it is, Mr. President; but the historic fact is that in the early summer of 1893, 15 months before the Wilson bill became a law, this country was visited with the most tremendous panic in its history. Times were good, crops were abundant, industry was thriving. There was no occasion for it unless it was produced by artificial means. I have the right to call attention to these matters in answer to the assertion that the Wilson bill of 1894, which became a law in August of that year, carried in its train a fearful freight of miseries to the people of the United States and to its various industries.

Mr. Solomon, in the issue of the Forum to which I refer, said upon this subject—and I believe I stated that he was, or used to be, a member of the great banking house of Speyer & Co.:

It was well understood that a reform of the tariff was to be the nominal issue of the campaign in 1892, and that all the changes were to be rung upon that theme, but enthusiasm for a reform of the tariff would not have produced for the antisnapper movement the sinews of war.

That reminds me of the "antisnapper movement," as it was called, which was the name given by the Cleveland Democrats to the early convention of Senator Hill, which was called for the purpose of electing Hill delegates to the Chicago convention of that year.

What it produced then was the conviction that the triumph of the Democratic Party, with Mr. Cleveland at its head, would mean a repeal of the purchasing clause of the Sherman Act. A large number of the men who joined actively in the work of organization, though also tariff reformers, could not have afforded to make the numerous self-sacrifices necessary to taking an active part in a canvass on any but such a vital issue as that of the maintenance of the integrity of the currency.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Utah?

Mr. THOMAS. If it will not take but a moment.

Mr. SMOOT. Will the Senator object to my quoting from the Statistical Abstract of the United States?

Mr. THOMAS. It depends upon how long it takes.

Mr. SMOOT. Just a few minutes—not a few minutes; it will not take that. I just wanted to quote from the Abstract what the circulation was in 1892, 1893, 1894, and 1895.

Mr. THOMAS. Go ahead.

Mr. PAGE. Has the Senator the figures for 1891?

Mr. SMOOT. I have, if the Senator wishes them.

Mr. ROOT. Read them, too.

Mr. SMOOT. I will begin with 1891. The circulation in 1891—

Mr. THOMAS. What is the Senator giving? Is this the amount of national bank notes?

Mr. SMOOT. National bank notes in circulation.

Mr. THOMAS. What time in 1892?

Mr. SMOOT. It is for the year 1891 first. I will give the other years as I go along.

In 1891 the circulation was \$162,220,646; in 1892 it was \$167,271,517; in 1893 it was \$174,609,786; in 1894 it was \$200,718,200; in 1895 it was \$206,903,601; and in 1896 it was \$215,168,122.

Mr. THOMAS. The Wilson tariff bill seems to have had one good effect, anyhow, if it increased the national bank circulation.

Mr. SMOOT. Rather than decreasing it, as the article says.

Mr. THOMAS. That may or may not be. The Senator has not read anything except the aggregate amount of note issues for each year. But to proceed. Mr. Solomon also says:

The nomination of Mr. Cleveland might be called a mere tempest in a teapot, compared with the battle to repeal the purchasing clause of the Sherman Act. This required the calling of an extra session of Congress in the summer, and after the people had had an object lesson in the threatened danger.

Of what did that object lesson consist, unless it was something of this sort? I do not think the political literature of the day will show any other than this particular object lesson, deliberately inaugurated for the purpose of securing the repeal of the purchasing clause of that statute.

He continues:

The severity of this object lesson in every part of the country is too well known to need much comment. Surely the men who have lived to see the financial crises of 1873, 1874, and 1890 were convinced that the crisis of 1893 surpassed all of the others combined in its duration and in the extent of its damage.

What did Senator Hill say in discussing the subject of the repeal on the floor of this Chamber on August 25, 1893? I read:

They (the bankers) inaugurated the policy of refusing loans to the people, even upon the best of security, and attempted in every way to

spread disaster throughout the land. These disturbers—these promoters of the public peril—represent largely the creditor class, the men who desire to appropriate the gold dollar in order to subserve their own selfish interests; men who revel in hard times; men who drive harsh bargains with their fellow men regardless of financial distress; and men wholly unfamiliar with the principles of monetary science.

Mr. President, without reference to how much money was retired or whether any was retired, without reference to the calling in of loans or whether any loans were called in, the colossal fact is that some method was resorted to for the purpose of producing an object lesson the effect of which was to be the repeal of an obnoxious financial statute. If Senators who say or think this circular is mythical, who deride its existence, will give any other basis, any other object lesson than the one to which I have called attention, which was then administered to the people of a nation, I am perfectly willing to accept it to the extent to which it goes. But until that is done I maintain that the panic of 1893 was a manufactured panic—manufactured by the means I have asserted, manufactured for a deliberate purpose, which was finally accomplished without regard to the misery, the bankruptcy, and the ruin that followed for two or three years in its trail, a condition which I trust in God this country may never again encounter, but which can not, whatever may be said of it, be laid to the passage and subsequent operation of a Democratic tariff law, as it was called. We have the result; we have this assigned as the cause, and that is either the cause or some other than the tariff situation must be assigned for it.

One further reflection, Mr. President, and I am done. I do not think even the Senator from Michigan will contend that the panic of 1907 was due to any threat of tariff revision, or that it was due to any impending disturbance of existing industrial conditions. Every man is entitled to his own opinion concerning these matters.

My opinion is, Mr. President, that that, too, had for its object the suppression of what big business considered the incendiary utterances of the President of the United States against it, the acquisition of the Tennessee Coal & Iron Co. by the Steel Trust, the suppression of an irritating rival of the Standard Oil Co., or some of its constituent elements, to be followed by financial legislation that would go one step further and give to a great central reserve association, as it was called, but a great central national bank, as it would be, the absolute power to determine how much money the people of the United States should have and when and under what circumstances; to take from the Government of the United States its power of note issue and lodge it in the hands of this tremendous power which to-day is the real menace to the welfare, to the liberties, and the institutions of the people of the United States.

I deny that anywhere throughout the history of this country can any statement find justification which places upon an attempted reduction of taxation through legislation the responsibility for any financial or industrial disaster. I am satisfied, Mr. President, that the country will go through the present great reform and the country will adapt and adjust itself to the great changes that the Underwood bill is designed to carry out, with no disturbance except those which arise from an aroused apprehension that is being largely manufactured for the purpose of producing just such conditions, to the end that the hands of the Democratic Party may be stayed, its promises defeated, and its purposes paralyzed.

Mr. RANDELL. Mr. President, when I was about to conclude my remarks yesterday I was asked a question by the Senator from Kentucky [Mr. JAMES]. I hope that Senator is in the Chamber, or, if not, that he may be sent for. I simply want to attempt to answer his question as to whether free sugar is incorporated in the Baltimore platform. In order to make my reply intelligent I must refer to his question, which appears in this morning's RECORD.

Mr. SHEPPARD. Mr. President, I will say to the Senator from Louisiana that the Senator from Kentucky is very anxious to be here when he makes this statement; and it seems that he can not be found at this time.

Mr. RANDELL. I will state to the Senator from Texas that I notified the Senator from Kentucky that I should take up this matter this afternoon, and asked him to be present. I wish him to be here, but I think in all fairness to myself I ought to make this explanation to-day. I wanted to make it yesterday, but I had no opportunity to do so. I hope the Senator will be sent for.

He said:

Mr. President, the Senator from Louisiana stated that the Democratic Party had done nothing which his people could construe as being in favor of free sugar, or had taken no action that would have advised his people in advance that if the Democratic Party obtained control we would place sugar upon the free list. Is it not true that the Democratic House of Representatives last year placed sugar upon the free list?

Mr. RANDELL. It is.

Mr. JAMES. And is it not true that the Democratic national platform of 1912 specifically indorsed that action?

Mr. RANDELL. No.

Mr. JAMES. Did it not do it in these words—

Mr. RANDELL. Read the words.

Mr. JAMES. I have them here:

"At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents."

"We indorse its action," says the Democratic platform. What was its action? Passing various tariff bills, chief among which was a free-sugar bill.

At that point, Mr. President, I was interrupted, and the unfinished business was taken up; so I had no opportunity to reply.

Now, Mr. President, the pertinent inquiry made is, Did the people of Louisiana think, after the Democratic platform of last year was adopted, that the party was pledged to free sugar and the consequent destruction of this great industry? I wish in a few words to explain what was their understanding. In the first place, we based our reliance upon this plank of the platform, the business plank, not the pyrotechnical one:

We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy legitimate industry.

That plank, let me repeat, is the business plank of the platform. It is the one which was sounded upon by the campaign speakers, and especially by our standard bearer, Mr. Wilson, in making his speech of acceptance. Let me quote what he said rather briefly on the subject:

Tariff duties, as they—the Republicans—have employed them, have not been a means of setting up an equitable system of protection. They have been, on the contrary, a method of fostering special privilege. They have made it easy to establish monopoly in our domestic markets. Trusts have owed their origin and their secure power to them. The economic freedom of our people, our prosperity in trade, our untrammelled energy in manufacture depend upon their reconsideration from top to bottom in an entirely different spirit.

We do not ignore the fact that the business of a country like ours is exceedingly sensitive to changes in legislation of this kind. It has been built up, however ill-advisedly, upon tariff schedules written in the way I have indicated, and its foundations must not be too radically or too suddenly disturbed. When we act—

Please listen to these words, Mr. President and gentlemen of the Senate:

When we act we should act with caution and prudence, like men who know what they are about, and not like those in love with a theory. It is obvious that the changes we make should be made only at such a rate and in such a way as will least interfere with the normal and healthful course of commerce and manufacture.

Let me repeat those words:

It is obvious that the changes we make—

Make where? Make in the tariff schedules—

should be made only at such a rate and in such a way as will least interfere with the normal and healthy course of commerce and manufacture.

And yet we are going to completely destroy the great sugar industry and put wool, too, on the free list, and other things besides. But to continue. Mr. Wilson said:

But we shall not on that account act with timidity, as if we did not know our own minds, for we are certain of our ground and of our object. There should be an immediate revision, and it should be downward, unhesitatingly and steadily downward.

Is there any pretense at free trade in that statement? Is there anything to indicate when our standard bearer was presenting his claims to the American people for the greatest office in the world that he was advocating free trade? I challenge anyone to single out the words in that letter of acceptance and get free trade out of them.

I go further. One of the principal tariff experts, if not the principal one, in the House of Representatives last session, other than Mr. UNDERWOOD himself, was the distinguished Representative from the State of New York who now occupies a position in the Cabinet of President Wilson. I find in the New York Times of August 1, 1912, this interview had with Mr. William C. Redfield at Sea Girt, N. J., on July 31 last. He says:

He (Gov. Wilson) is not for free trade. He is not for drastic action of any kind. He is willing to work through a series of years to accomplish the result of a tariff for revenue at which he aims. He is not disposed in any way to inflict changes that would upset and destroy business.

"A tariff for revenue"—

Gentlemen of the Senate.

"He is not disposed in any way to inflict changes that would upset and destroy business."

Let me say here you propose to upset and destroy the business of the Louisiana sugar industry and also the beet-sugar industry.

His views are clear and sound, and he has no rash or hasty ideas. I outlined the situation to Gov. Wilson in this way: I told him that a big manufacturer had all his capital tied up in his plant and that the tariff was a large figure in the cost of his goods. I said this manufacturer could not turn his stock over in a week or a month or even in a year, as a wholesaler could. If the tariff on his goods were 50 per cent where it ought to be only 20 per cent, then there would be an opportunity for the display of great wisdom. In outlining this case I did not urge clemency on the governor. I said the revision should be as full and complete as the case demanded, but that the revision should be done in gradual stages, not in sudden jumps. I suggested stages of, say, 5 per cent a year until the 20 per cent basis was reached. That would do justice and conserve business interests at the same time.

I compared the tariff problem to the case of a man who owed you \$5,000. If the whole lump sum were demanded at once, you would probably put him out of business, but if you agreed to take \$50 a month until the sum was paid, you could get your money in full and your debtor could save his business. I want to see the governor give every business a chance, and yet I believe that every schedule in the present tariff bill could be improved by downward revision.

Is there any suggestion of free trade for sugar, the greatest revenue producer in the whole tariff system—an article which has borne a rate of duty since the beginning of this Government, except for a brief period when it had a bounty—in this statement of Mr. Redfield, one of the leaders of the Democratic Party at that time, a man who made a great many speeches for his party, especially discussing the tariff, and who was honored by being given a place in the Cabinet? Does it sound in any degree like free trade? But I go further.

On the 18th of October, in the city of Pittsburgh, Mr. Wilson himself made this statement—at least he is so quoted in the Pittsburgh Dispatch of October 19 last. In discussing the party's attitude, Mr. Wilson said, and I ask every Senator to listen carefully to these words; the statement is very brief:

The Democratic Party does not propose free trade or anything approaching free trade. It proposes merely such reconsideration of the tariff schedules as will adjust them to the actual business conditions and interests of the country.

"The Democratic Party," said our standard bearer, now the President of the United States, "does not propose free trade or anything approaching free trade." Were not the people of Louisiana, Mr. President and Senators, justified by the plank of the platform from which I have read and from the statements of Mr. Wilson himself and Mr. Redfield, one of his mouthpieces, in believing that the party did not contemplate the destruction of this great and certainly this legitimate industry? If they were not justified in so believing from those plain words, plain English words, from a great master of English such as our President is, then I for one do not understand how you can make people understand anything.

Mr. President, when the Baltimore convention was held there was division among the delegates from Louisiana. It was said there, and was a matter of common report, that Mr. Wilson was friendly to sugar; that if Mr. Wilson became President sugar would not be destroyed, but that it would have to suffer a reasonable reduction, which all Democrats expected, and which, let me say in passing, I expect and am perfectly willing to submit to. But we did not then expect destruction. We did not then expect free trade. It was in the atmosphere then, and it was carried by the press reports and by our delegates to Louisiana, when they returned home, that our nominee would not stand for free trade in sugar and the destruction of Louisiana's greatest industry.

Those are some of the reasons, Mr. President and Senators, why the Louisianians did not expect from the Democratic Party the destruction of their industry.

In making my remarks yesterday my colleague in the House of Representatives [Mr. BROUSSARD], Senator elect to come into this body from Louisiana two years hence, was seated near me when the Senator from Kentucky [Mr. JAMES] finished his question, and I was unable to reply because of the close of the morning hour. I asked Mr. BROUSSARD if he would not give me his explanation of the circumstances under which the plank referred to by the Senator from Kentucky was inserted in the platform. I did this because Mr. BROUSSARD was a member not only of the platform committee but of the subcommittee of 11 men appointed to write the platform.

To-day he handed to me this letter, which I will read. It is addressed to me:

UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C., May 14, 1913.

Hon. JOSEPH E. RANDELL,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I was present in the Senate to-day when Senator JAMES, of Kentucky, quoted from the platform of our party, drafted at Baltimore, the following:

"At this time, when the Republican Party, after a generation of unlimited power in its control of the Federal Government, is rent into factions, it is opportune to point to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action and we challenge comparison of its record with that of any Congress which has been controlled by our opponents."

In conversation with you subsequent to this quotation of the Senator from Kentucky you reminded me that I was a member not only of the committee on platforms and resolutions but of the subcommittee of eleven which drafted the platform a quotation from which the Senator from Kentucky had read to you to-day in open Senate, and you asked me to give you my interpretation of that plank in the platform quoted by the Senator from Kentucky.

It is scarcely necessary to call your attention to the fact that if the Senator from Kentucky had read the entire plank of the platform instead of only the first paragraph of it the full meaning and purpose of that plank would have at once been made apparent. The committee on platforms and resolutions of the Democratic national convention at Baltimore did not stop where stopped the Senator from Kentucky in quoting the platform plank, but continued to enumerate the particular things which it thought were worthy of commendation by the Democratic national convention at Baltimore; so that if the Senator from Kentucky had read the balance of the plank instead of stopping with the first paragraph of it the Senate would have known at once that the committee on platforms and resolutions had enumerated the particular things about which it challenged comparison with the record of any other Congress controlled by the opponents of our party; hence that plank in the platform calls attention to the record of the Sixty-second Congress for its efficiency, economy, and constructive legislation as to the following subjects:

In revising the rules of the House of Representatives and thereby granting Members freedom of speech and action in advocating, proposing and perfecting remedial legislation;

In passing bills for the relief of the people and the development of our country;

In proposing amendments to the Constitution providing for the election of United States Senators by the direct vote of the people;

In securing the admission of Arizona and New Mexico as two sovereign States;

In requiring the publicity of campaign expenses both before and after the election and fixing a limit upon the election expenses of Senators and Representatives;

In passing bills to prevent the abuse of the writ of injunction;

In passing a law establishing an eight-hour day for workmen on all national public work;

In passing a resolution forcing the President to take immediate steps to abrogate the Russian treaty;

And, finally, in passing the great supply bills, which lessen waste and extravagance and which reduce the annual expenses of the Government by many millions of dollars.

Mr. STONE. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANDELL. I do.

Mr. STONE. I should like to ask the Senator from Louisiana if he objects to the speedy reference of this bill to the Committee on Finance?

Mr. RANDELL. I do not.

Mr. STONE. Then I will ask him the further question, if he will not be willing to incorporate in the RECORD, without reading, as a part of his remarks the very long letter he is reading?

Mr. RANDELL. Mr. President, I always like to do anything which the Senator from Missouri asks of me; but I must submit this is an unreasonable request. I am not going to read any long letter. This is not a long letter. It is about 11 pages in all, I believe. It is not from any outsider; it is from a Member of the House of Representatives, and a gentleman who will soon be a Member of this body, and I must decline not to finish the letter.

Mr. STONE. The only view I had in mind was because of my high regard for my friend from Louisiana. I am sure he has not, but unless he has a purpose to cooperate with my distinguished friend from Michigan [Mr. SMITH] and others in procrastinating the final determination of this simple motion to refer the bill that comes from the House to the Finance Committee, that that committee may go on and consider it, does he not think that we might forego the pleasure and all that sort of thing of prolonged discussion on this side?

Mr. RANDELL. Mr. President, I am perfectly willing that the bill should be referred to the Finance Committee and that they should go to work on it. I would much prefer to have public hearings, and shall vote for them if I get an opportunity, because my people are demanding that of me. My people are being very badly treated. I do not know who is responsible. I know this, however, Mr. President, that the party platform did not declare for free sugar; I know the Senate last year did not vote for free sugar; I know that the President did not say free sugar once in all his speeches; I know that he made speeches in which he said that he was not for free trade; and yet now some influence seems to be inducing—I will not use a harsher word—the Democrats in the Congress of the United States to give us free sugar. I for one, propose to be heard fully, Mr. President, before free sugar shall ever be written into the statutes of the United States; and a good many more people are also going to be heard.

Mr. SMITH of Michigan. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Michigan?

Mr. RANDELL. I do.

Mr. SMITH of Michigan. I would not interrupt the Senator from Louisiana had it not been for the attempt of the Senator

from Missouri [Mr. STONE] to give the impression that we are in collusion over the reference of the pending bill. I wish to disavow any such purpose. The Senator from Missouri has nothing to base his statement upon; but to say that I am not interested in what the Senator from Louisiana is saying now would, of course, be untrue. He says the President of the United States has never said he was for free trade in any public utterance since he became the candidate of the Democratic Party for President. The Underwood bill that you are about to refer to the Committee on Finance contains a free list that from its schedules and the volume of trade anticipated thereunder more than 55 per cent will come into the country under that bill free, and will not be stopped at the customhouse at all.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. WILLIAMS. I trust the Senator from Louisiana will yield to me for a moment.

Mr. RANSDELL. I shall be delighted to do so.

Mr. WILLIAMS. Mr. President, I merely want to reply in an ineffective and weak way to the somewhat earnest remarks of the Senator from Michigan [Mr. SMITH].

The Senator from Michigan has just said that in every schedule in the Underwood bill we are presenting a propaganda of free trade to the country. So far as I am individually concerned I have never been afraid of the word "free." I have never been afraid of freedom of thought, of freedom of religion, or of freedom of trade. The Senator from Michigan, however, has made a statement which is not borne out by the cold facts. Not only is it not true that every schedule of the Underwood bill is for free trade, as he said—

Mr. SMITH of Michigan. I did not say that.

Mr. WILLIAMS. But it is true that the average duties upon imports from foreign countries under that bill are more than 25 per cent, taking it up and down. It is also true that the Underwood bills, taken as a whole, present for the contemplation of the Senate a proposition of a reduction of about 35 per cent. I do not intend to be mathematically accurate, because it is impossible to be so.

Now, I want to say that an industry that can not exist with an advantage of 25 per cent over foreign competitors is an industry that confesses that it is unworthy to exist. I want also to say that when anybody says that 25 per cent or 30 per cent or 35 per cent is free trade he is confessing himself without the ability of an ordinary 14-year-old boy to make a mathematical calculation, for certainly hampering trade to the extent of 25 or 35 per cent is not free trade, whatever else may be said about it. There may be a discussion about its wisdom, its feasibility, or what not, but no human being can say that that is free, unhampered trade.

Mr. SMITH of Michigan. Mr. President—

Mr. RANSDELL. Mr. President, I shall have to decline to yield further. I wish merely to make a brief speech, and I can not consent to go into a general discussion of the tariff.

Mr. WILLIAMS. Mr. President, I was proceeding by the indulgence and courtesy of the Senator from Louisiana. I thank him very kindly for so much of it as I have already enjoyed and shall not trespass upon his time any further.

Mr. RANSDELL. Mr. President, I will resume the reading of the letter sent me by Mr. BROUSSARD. He continues:

Now, these were the specific things which the subcommittee of eleven of the committee on platforms and resolutions declared were the accomplishments of the Sixty-second Congress, and that declaration of the subcommittee found ample indorsement by the entire committee on platforms and resolutions, and, subsequently, of the convention itself acting with unanimity.

Nowhere in that declaration can there be found any intimation that the "Underwood free-sugar bill" of the House met with the approval of the subcommittee of eleven, or of the committee on platforms and resolutions acting as a whole, or of the convention itself, as contended by the Senator from Kentucky.

I shall have occasion a little later to refer to the specific declaration with regard to the tariff bills passed by the Sixty-second House of Representatives, among which the Senator from Kentucky reads in the "Underwood free-sugar bill of the House."

This plank of the platform, from the aforementioned statement or from a careful study of the plank in its entirety, does not warrant the conclusion drawn by the Senator from Kentucky, as I understood his presentation of it to the Senate this afternoon in his question addressed to you.

If the construction placed thereon by him be correct, what results? And let us view this question from conditions existing at the time the Democratic convention met at Baltimore.

Five distinct and separate tariff bills, emanating from the Ways and Means Committee, had passed the House prior to the convening of the convention. Among these was a bill admitting foreign sugar into the United States free of duty, known as the "Underwood free-sugar bill." That bill had passed the House, together with the four other bills coming at the same time from the same committee of the House. The Senate Finance Committee, controlled at that time by the Republican Party, had given ample hearings on the "Underwood free-sugar bill," and after full and complete hearing not a single Senator—Democrat, Republican, or Progressive—on that committee approved of the action

of the House in so far as the "Underwood free-sugar bill" was concerned. A contest over the bill subsequently occurred in the Senate, the Republicans and Progressives supporting what was then known as the Lodge-Bristow bill, reported by a majority of the Finance Committee of the Senate in place of the "Underwood free-sugar bill," which had passed the House.

As far as the Democratic members of the Finance Committee were concerned, they discarded entirely the "Underwood free-sugar bill" and reported in lieu thereof an amendment, which was subsequently offered as a substitute for the Lodge-Bristow sugar bill, imposing a duty on sugar. In that contest upon the floor of the Senate between the Republicans and Progressives advocating the Lodge-Bristow bill and the Democrats advocating a duty on sugar as opposed to the "Underwood free-sugar bill," which had already passed the House, a vote was taken, and it occurred in the Senate as it had occurred on the vote taken in the Finance Committee that not one solitary Democratic Senator gave his adherence or his vote to the "Underwood free-sugar bill."

Senators, let me again read that pregnant sentence:

"It occurred in the Senate, as it had occurred on the vote taken in the Finance Committee, that not one solitary Democratic Senator gave his adherence or his vote to the Underwood free-sugar bill."

The Senate Democrats supported the Simmons amendment, which places a duty of 63 cents a hundred pounds on sugar of 75° of the polariscope and twenty-four one-thousandths cent additional for each additional degree.

To summarize the action of the Senate on this measure, I will say that the Republicans and Progressives supported the Lodge-Bristow bill, which imposed certain duties upon sugar entering the United States, while the Democrats in that body supported the minority report of the Finance Committee, which imposed certain other duties upon sugar, and there was not one solitary, individual Senator belonging to our party that gave his influence or his vote in behalf of the Underwood free-sugar bill which had passed the House.

When the convention met at Baltimore the disagreement between the House and Senate on the Underwood free-sugar bill was existent and the conferees of the House and Senate had been unable to reach an agreement thereon. The House insisted upon free sugar, while the Senate, with unanimity, insisted that some duty should be placed upon sugar. The difference between the attitude of the Democrats on one side and the Republicans and Progressives on the other was that the former wanted a slightly lower duty than the latter.

I make this statement, known to yourself and Senators generally, as a prelude to what I am about to say.

The subcommittee of eleven, selected by the committee on platforms and resolutions, included amongst its membership five distinguished Senators, namely, KEEN, of Indiana, O'GORMAN, of New York, POMERENE, of Ohio, NEWLANDS, of Nevada, and MARTIN of Virginia. I was also a member of that subcommittee, the only Member of the House of Representatives who was such member. The six of us were a majority of the subcommittee of eleven. Now, all five of these distinguished Senators had stood with their colleagues in the Senate for a duty on sugar, as above recited, and against the attitude of the House of Representatives, which had passed the Underwood free-sugar bill. I myself had voted against that bill in the House, and it is easily understood that a majority of the subcommittee which drafted the platform were pledged, from a record which they had made in that, the Sixty-second, Congress in opposition to the Underwood free-sugar bill.

If the construction placed on that platform by the Senator from Kentucky be correct, it is then apparent that in the drafting of the platform a majority of the subcommittee of eleven had voted to repudiate the position which they had but awhile ago occupied in that, the Sixty-second, Congress. Not only that, but the five Democratic Senators, members of the subcommittee, had also voted to put in the platform a condemnation not only of their attitude in opposition to the Underwood free-sugar bill, but a condemnation likewise of the action of their Democratic colleagues of the Finance Committee, and, finally, a condemnation of the attitude of all their Democratic colleagues in the Senate.

I take it that no argument is needed to show the absurdity of the construction of that plank of the platform by the Senator from Kentucky, as evidenced by the question he directed to you.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Missouri?

Mr. RANSDELL. Certainly.

Mr. REED. Because of the statement repeated in that letter, which amounts practically to an assertion that all Democratic Senators who now vote for free sugar stultify themselves, that statement being based upon the votes cast at the last session, I want to ask the Senator if he is not aware of the fact that the votes of the Democratic Senators upon that bill were a part really of the general program of compromise which was adopted when we were seeking as a minority party to pass the House schedule tariff bills in the best form we could, and therefore, having agreed upon a program, we voted for it, and that the vote did not at all represent the sentiments of each Senator? I think the Senator ought to concede that that is the fact, and not make it appear by his speech, which goes to the country, that the Democrats were committed to a tariff upon sugar because they voted at that time in that way.

Mr. RANSDELL. I do not concede that that is the fact, Mr. President, and I do not think the debates at that time will bear it out. If the Democratic Senators had at that time desired to go on record for free sugar, if they had desired to support the Underwood free-sugar bill, what was there to prevent them from doing so? They knew that they could not pass their compromise measure, if the Senator chooses so to designate it; they knew that the Republicans and Progressives had a majority of the Senate at that time; they knew that the two Louisiana Senators were going to vote in regard to sugar with the other side of the Chamber; they knew it was utterly impossible to pass any kind

of a compromise of that character; and if they were frank and sincere in favor of free sugar it seems to me they should have voted in favor of free sugar, or at least should have explained their votes fully when voting for the Simmons amendment.

Mr. REED. If the Senator will pardon me, since the matter has taken this form, I should like the privilege of making this statement: The general policy, which was adopted upon this side with reference to tariff legislation at the session of Congress referred to, was to endeavor to agree upon a bill which would secure enough votes from the other side of the Chamber to pass it, and in the event that that was not possible to present a bill that would be as hard as possible for certain of the Members on the other side to reject, the thought, at least of some Senators, being that if they could not entirely remove an evil they desired to minimize it. Accordingly their votes were recorded time and again throughout that session for higher rates of tariff than would have been adopted by a caucus held upon this side of the Chamber alone. We were trying to do the best we could under the conditions. If we had assumed an heroic attitude and insisted upon having our own way absolutely and yielding nothing, we could not have passed a single bill. I think the author of that letter knows those facts perfectly, and that any attempt to commit the Democrats upon this side of the Chamber irrevocably by their votes of last session is unfair and unjust. It is not worthy of the author of the letter nor the distinguished Senator who is reading it. I want to make that statement now, and will be glad to make a further statement at the proper time.

Mr. STONE. Before the Senator proceeds, if he will permit me—I was called out of the Chamber for six or eight minutes and have just returned—I should like to ask if the letter the Senator is now reading is the same little billet doux of 11 pages that he spoke about?

Mr. RANSDELL. It is the same little billet doux. In reply to the kind criticism of the Senator from Missouri [Mr. REED], I will say that the gentleman from Louisiana [Mr. BROUSSARD] and myself are representatives now of a dying industry if the policy succeeds which certain people on this side of the Chamber are trying to carry out, and it is legitimate for us to fight just as hard as we can.

Can the Senator deny any of the facts stated in this letter? Can the Senator deny that every Senator on this side voted for a duty on sugar, as stated in this letter by Mr. BROUSSARD, the two Louisiana Senators voting for the higher rate of duty proposed in the Bristow-Lodge amendment and the rest of the Democratic Senators voting for the other rate of duty?

Mr. President, I know not what might have been the attitude of these Senators had the question of free trade been presented at that time. But the cold facts of the case are that when the Underwood free-sugar bill was before them they did vote, not for free sugar, but for a decided rate of duty upon sugar. When these five distinguished men, these Senators whom I have named, were acting on the subcommittee of the platform committee of their party in the city of Baltimore they knew the action which had been taken here. It is utterly unreasonable to suppose that those men would have criticized themselves by indorsing free sugar. They never contemplated anything of that kind in the plank.

I will now hear the Senator from Missouri, if he wishes.

Mr. REED. I simply say, as I said before, that I am not denying that this vote is recorded; but I am utterly denying and repudiating the implication that the Democratic Senators committed themselves to a tariff upon sugar because they voted for a rate which they hoped might pass the Senate under the circumstances then existing, and which would have been a decided reduction.

I wish to say now to the Senator that, so far as more than one Senator upon this side is concerned, I think they have under consideration whether or not this tariff ought to be all taken off at one time. But I say to the Senator, with great kindness, that it does not appeal to me very strongly to have my vote, and the vote of others who want to settle this question upon its merits, characterized in the way it is now being characterized.

Mr. RANSDELL. Mr. President, I do not intend any unkind criticism or reflection upon the vote of the Senator from Missouri, or any other Senator in this body. I assure him that nothing is further from my thoughts. But when I am asked by the Senator from Kentucky whether or not my people in Louisiana did not have good cause to believe—that is, in substance, his question—that the Democratic Party was in favor of free sugar, and that we had nothing to expect from the Democratic Party, it surely is proper for me to state what actually occurred in the Senate of the United States, a coordinate branch of the law-making power, when a free-sugar measure was before Congress last year and was being considered. I could not tell

what was in the minds of every one of these Senators. There was no way for me to know what they meant except by ascertaining what they did; and what they did was to vote for a considerable rate of duty on sugar. I may say, further, to the Senator from Missouri that the inference he has drawn that a majority of the Democrats of the Senate was opposed to a tariff on sugar is at variance with the actual facts, with which he should—to put it as kindly as possible—acquaint himself ere he attempts to speak.

Mr. President, I wish the Senator clearly to understand that I do not desire in the slightest way to reflect upon him or any other Senator. I am delighted to hear him say that a number of Senators on this side are very seriously contemplating some rate of duty on sugar. I earnestly hope that enough of them on this side will think that way to give us a fair rate of duty on sugar. Senators, let me beg of you not to destroy this great industry—this industry that has lasted so long and is so necessary to my State.

Continuing my reading of this letter—

I go a little further and say that if his [Mr. JAMES'S] construction of it be correct, how does he explain the fact that after the platform was adopted, after the national election, and after Mr. Wilson and Mr. Marshall had been elected President and Vice President, respectively, there was a session of Congress, during which was pending the controversy between the House, standing for the Underwood free-sugar bill, and the Senate, standing by sugar as a legitimate subject for tariff taxation, no Democratic Senator was heard during that entire session of Congress to urge that the Democrats had erred in not supporting the Underwood bill, and that the Democratic Senators at least proposed to recede from the position which all of the Democratic Senators had occupied prior to the convention? Why did not some Democratic Senator urge the Democratic conferees of the Senate, in obedience to that platform, to recede from their position in favor of a duty on sugar and to accede to the demands of the Members of the House of Representatives, whose action the Senator from Kentucky states was approved by the Baltimore convention, that sugar be put on the free list?

Just as the Senator from Kentucky, stopping as he did in his question to you, omitted to specifically recite the things the Democratic convention at Baltimore approved as the accomplishments of the Democratic House of Representatives in the Sixty-second Congress, so does the Senator from Kentucky overlook the specific things enumerated in the platform which make absolutely clear the declaration of the Baltimore convention with regard to the bills revising the tariff. I recited a while ago that the resolutions committee enumerated the specific things for which it commended the Democratic House of Representatives of the Sixty-second Congress.

Let us revert now to the first proposition in the platform, that about the tariff, of which you were speaking at the time the Senator from Kentucky read the plank to which I have just referred.

We find that at the very outset of the declaration of the principles of our party there is a denunciation of President Taft for "vetoing the bills to reduce the tariff of the cotton, woolen, metal, and chemical schedules, and the farmers' free list, all of which were designed to give immediate relief to the masses from exactions of the trusts."

These were the specific things with regard to tariff revision that the platform approved, and for which they denounced the President as having used the veto power to prevent these bills, specifically mentioned, from becoming law, and in the plank referred to by the Senator from Kentucky it will be noticed that there is no mention of the "Underwood free-sugar bill." That bill at the time was in suspense between the two Houses, and the convention did not presume to indorse the Democrats in the House who favored free sugar, nor did it condemn the Democrats in the Senate, every one of whom was opposed to free sugar.

But the plank which the Senator from Kentucky may have properly called to your attention as applicable "on all fours" to the Democratic attitude with regard to sugar reads:

"We recognize that our system of tariff taxation is intimately connected with the business of the country, and we favor the ultimate attainment of the principles we advocate by legislation that will not injure or destroy any legitimate industry."

Now, this provision declared it to be the purpose of the Democratic Party, in revising the tariff downward, to neither injure nor destroy any legitimate industry. Mr. UNDERWOOD, chairman of the Ways and Means Committee, with great frankness, said repeatedly on the floor of the House that the provision in his bill regarding the duty on sugar would destroy the Louisiana sugar industry. Mr. HARDWICK, of Georgia, unquestionably the best posted of the Members advocating free sugar, likewise admitted that the Louisiana sugar industry would be destroyed as a result of this legislation.

The history of that plank in the platform, interesting as it is, need not be recited here, because it is apparent to the logical mind that that plank, and that plank only, applies to the subject which you were discussing when interrupted by the question of the Senator from Kentucky.

I suggest that if further inquiry is to be made about this, along the lines suggested by the Senator from Kentucky, there are many Senators who can explain this platform as intended for the people to understand.

Apart from the Senators whom I have already mentioned, a new Democratic Senator has come from Montana, Mr. WALSH, who himself was a member of the subcommittee of eleven. Two Senators, Mr. CLARK of Arkansas and Mr. CULBERSON, of Texas, were members of the general committee on platforms and resolutions. Another distinguished then Senator elect, who now occupies a seat in this body, Mr. VARDAMAN, was also a member of the general committee. There are doubtless other Senators and members of the present cabinet who may enlighten the Senator from Kentucky in his desire to ascertain just what the Democratic platform did intend and did say upon this question.

One salient point remains, and that is that the Senator from Kentucky was himself the permanent chairman of the Democratic convention at Baltimore. I listened attentively to his address—and he is always interesting when speaking—and I recall distinctly his plea for free sugar. That plea met with no response from either the subcommittee of eleven which drafted the platform, or the entire committee, which reported it to the convention, or the convention itself.

I recall that while the subcommittee was engaged in drafting the platform, and after the distinguished Senator from Kentucky had made his ardent appeal for free sugar, the Sugar Trust, acting through the instrumentality of Frank C. Lowry, an employee of Mr. Spreckels, of the Federal Refining Co., was bombarding not only the subcommittee but the entire committee on platforms with telegrams, urging the convention to include in the platform a plank for free sugar.

Senators, what a spectacle! The Senator from Kentucky—he was not then a Senator, but a great Member of Congress—being backed up in his efforts for free sugar by Frank C. Lowry, the agent and representative of the Sugar Trust!

It must appear to you and, in fact, to every fair-minded man that, with the chairman of the convention, the Senator from Kentucky, pleading to the body over which he presided for free sugar, and with the Sugar Trust, by telegrams, imploring the convention to declare for free sugar, it was not an oversight on the part of either the subcommittee or the full committee on platforms and resolutions of the convention that it was not written in the platform, as the Senator from Kentucky now attempts to read it in, that the Democratic Party stood or stands for free sugar, but, on the contrary, this action was the deliberate conclusion that the Democratic Party stood against the "Underwood free-sugar bill" and in favor of a duty on sugar.

Kindly pardon me for writing to you at such length. I have studiously abstained from saying anything regarding the deliberations leading to the writing and adoption of the platform. I have assumed to discuss this platform absolutely from the analytical standpoint of one who seeks the truth, just as the Senator from Kentucky has sought, despite his knowledge of all of the facts, to find in the platform words which never were written in it, were never intended to be written in it, and which a full analysis of the platform does not warrant to be construed as having been written into it.

Yours, very sincerely,

R. F. BROUSSARD.

Mr. WILLIAMS. Mr. President—

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Mississippi?

Mr. RANDELL. Just a moment, and then I will yield.

It is unnecessary for me to tell the Senate who Mr. BROUSSARD is. He has been a Member of the House of Representatives for a great many years. He lives in the very heart of the sugar belt. He has been a close student of sugar and a great champion of it during his entire career in Congress. He was a member of the subcommittee of eleven, along with the five Senators I have referred to who assisted in framing the Baltimore platform. Does any reasonable man pretend to intimate that this man, with his record of faithful service to sugar, championing the cause of sugar for 18 years, would have forgotten himself so far as to agree to a plank actually condemning the interest that he had stood for during his entire congressional career? Such a supposition is preposterous.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from Louisiana this plain question: I want him, if he can, to explain to this side of the House, to the Senate, and to the country why it is that the Louisiana Senators now, as in past time, have resisted just as obstinately any reduction of the duty on sugar as they resist free sugar. I want the Senator to explain, if he can, why it was that the two Louisiana Senators in the last Congress voted upon this floor against a reduction of 33½ per cent in the sugar duty, on which reduction every Louisiana planter now admits that he could live, and why it is that they are now fighting the reduction of 50 per cent, the only alternative, against free sugar just as obstinately as they fight free sugar itself. It seems to me that they are imitating somewhat the ancient régime, the old noblesse of France, who failed to make concessions until they stirred up a feeling which destroyed them.

I am perfectly willing to admit that free sugar will dismantle every sugar house in the State of Louisiana. I know it as well as I know my name is JOHN WILLIAMS. Mr. UNDERWOOD has admitted the same thing. When we faced the proposition of reducing the duty in the last Congress in the Senate of 33½ per cent only it would not have destroyed them. It would have left them with a reasonable profit. They fought that just as vigorously as they are now fighting free sugar. They deprived the men who wanted a square deal, who do not want to single sugar out as the only industry to be destroyed, of all opportunity to help them. I should like to have some explanation of that.

I will add to it this: If the Senate, instead of putting sugar on the free list at the end of three years would vote for a proposition to cut the duty on sugar half in two, leaving it, generally speaking, at three-quarters of a cent, 96 polariscopic test, varied above and below it by the differential, would the Senator if that proposition were presented to him accept it as against the present bill?

Mr. RANDELL. May I understand the last proposition, please? Do I understand the Senator to ask whether or not if at the end of three years, instead of having a free-sugar clause take effect—

Mr. WILLIAMS. No; I said if instead of the present proposition, which is a substantial reduction of 25 per cent ad valorem for three years, and after three years free sugar, you

were to be presented with a proposition to put a duty upon sugar of substantially three-quarters of a cent, three-quarters of a cent at 96 polariscopic test, varying from it on both sides accordingly, would you prefer it?

Mr. RANDELL. To take effect at once?

Mr. WILLIAMS. To take effect at once, and to continue without the three years' clause. Which one of the two would you accept?

Mr. RANDELL. Mr. President, it will take me but a minute to answer that. So far as we are concerned and so far as my knowledge of sugar is concerned, coming, as I said yesterday, from a cotton section of the State, I would unhesitatingly prefer a duty of 1 cent for three years, because we die then at the end of three years certainly. If we had a cut in the rate of 50 per cent it would give us something like three-quarters of 1 cent indefinitely, and with that rate I do not believe it possible for the industry to live. Yet I feel that some few people might struggle along for a while. I think the future quick death would be better. They would know beyond question that they had to die at the end of three years, and it would be kinder to them to make it three years than to give them a 50 per cent cut now.

Mr. WILLIAMS. Mr. President—

Mr. RANDELL. If the Senator from Mississippi will allow me a further statement: If a proposal were made to make the duty 1 cent for three years, after which there would be a reduction to 50 per cent of the present rate, I say now in my position as Senator, that I would advise my people to accept it. They would thereby be given time to change their methods and to install a refining process, which I am told has been about perfected.

But I further say that having pledged myself in the most solemn manner on at least 50 platforms when I was a candidate for the United States Senate that I would stand by the interest of sugar in a legitimate way and do everything in my power to prevent the industry from being destroyed by what I considered unfair legislation, I would have to oppose even that unless my people were willing to accept it; but I believe I could induce them to accept that at the end of three years.

Mr. WILLIAMS. I do not want to talk about any specialty. This situation presents itself to me as pathetic. The United States Government has invited and even incited, encouraged, and almost driven a whole lot of people into raising sugar cane and sugar beets, two artificial industries which, upon their own legs, could never have existed in this country to-day. The industry as far as cane sugar is concerned is impossible, and as far as beet sugar is concerned is premature now, because the country was not ready for it when the country was thrown into the beet-sugar production. I believe that a duty of three-quarters of a cent will enable the beet-sugar industry of this country to exist and to make a reasonable profit in all factories which are conducted with up-to-date machinery, with efficient labor and conducted in the way in which a factory ought to be conducted. I believe that it will enable—the 50 per cent reduction will enable—the sugar-beet farmer to exist at a price that will render him more profit upon his farm per acre than the cotton planter of the South receives per acre in absolute free competition with the fellaheen of Egypt at 17 cents a day and with the Hindus of India at 8 or 10 cents a day.

So I am not talking about the protectionist phase of it. I am talking merely about the condition which now confronts us. I am not willing to do an unfair or an unjust thing, whether in keeping with my theory or in violation of it. It is pathetic to me to think that these people have been invited to come in and walk in deep water on stilts, and that when they are now asked to walk without stilts they must be drowned.

I am a neighbor to Louisiana. I have friends there. I love the State and I love its people. I have volunteered to make more sacrifices than any man on this floor, not only of opinion but of sacrifice of support at home to help them out. They will not help themselves out. The Senator has just confessed that he would just as obstinately refuse to vote for any reduction at all as to vote for free sugar.

Mr. RANDELL. Let me interrupt the Senator. I did not say that.

Mr. WILLIAMS. If the Senator will pardon me, I did not mean to say that I was quoting the Senator exactly. I was merely quoting my inference from what he said.

Mr. RANDELL. Then I wish to explain, if the Senator will let me explain, right at this time. I did not say that I would not consent to any reduction in sugar. On the contrary, I believe that as a Democrat I am absolutely committed by my party to consent to a reduction in sugar, and though I believe a cut of 25 per cent will drive out of the business a great many of the sugar producers of Louisiana, I for one consent to that

cut and will vote for a 25 per cent reduction in sugar, which I understand is the cut in the Underwood bill. The trouble is that at the end of three years we are to have free sugar. That was my statement.

Mr. WILLIAMS. Mr. President, of course any Member of this body knows that a reduction of 25 per cent will not bring about a really competitive market in sugar; that the gentleman in yielding that yields nothing.

Mr. RANSDELL. I yield to the Senator for a question.

Mr. WILLIAMS. What I have to say will not take long.

Mr. President, of course, if a duty upon any important article were 1,000 per cent and it were proposed to reduce it to 995 per cent, it would drive out of the industry some people who had been living upon the ragged edge of the industry barely making a living, barely making a profit sufficient to justify them to remain in that particular business. So far as that point of the observation of the Senator from Louisiana goes, that is the answer.

I do not deny that a reduction of the rate upon sugar will drive some beet-sugar factories out of business, but they are a sort of beet-sugar factories that ought to be driven out of business, because they either have unwise overhead management, unwise men upon the quarterdeck, or they have inefficient men behind the guns, or they are unfortunately located geographically and with regard to the annual giving out of rain and sunshine, or they are making undue profits.

But, Mr. President, the complete answer to the Senator from Louisiana, as far as Louisiana sugar cane is concerned—the complete confirmation of what I have just said—is contained in this one statement, which nobody will dispute, that at the last session of Congress, when this particular question came up, when a free-sugar bill came from the House—and the President will pardon me for saying that I was at that time a member of the Finance Committee—I felt friendly toward these people, and I also felt the pathos of their situation; I knew that every sugar house in Louisiana would be dismantled if free sugar were put upon the statute books; as I now know, as I have told both the Democratic leader of the House of Representatives and the President of the United States, I proceeded as a member of that committee to try to find a living for them out of the industry in accord with the Democratic platform, which was to reduce duties gradually and not to destroy absolutely any legitimate industry; and the only Members upon this side of the Chamber who, as I found, would not help me were the two Senators at that time from the State of Louisiana. Now, how can you help people who will not help themselves?

Mr. RANSDELL. Will the Senator yield for a question?

Mr. WILLIAMS. Yes.

Mr. RANSDELL. You say that at that time you urged a reduction. I believe it was about one-third—33½ per cent.

Mr. WILLIAMS. It was 33½ per cent.

Mr. RANSDELL. Is it not a fact that the average reduction in the Underwood bill is about 35 per cent?

Mr. WILLIAMS. Yes; I was willing to give you less reduction than I voted to give the other people.

Mr. RANSDELL. It was a year ago that I am speaking about. The average reduction of the Underwood bill, I think, is about 35 per cent.

Mr. WILLIAMS. I have not calculated it, but it is about the same.

Mr. RANSDELL. Let me ask you why it is you propose to have sugar reduced to 50 per cent when the average reduction is 35 per cent? Why treat sugar worse than the average?

Mr. WILLIAMS. I will state that, too. The average reduction in the Underwood bill is about 35 per cent—without calculating it mathematically; I have not done that—just from a general view of the whole situation I think it was about what it was last year—some things higher and some a bit lower. That was the reduction clear through. The flax and hemp schedule, let me say, is a reduction of 50 per cent. The reduction on wool is 100 per cent; and even if we take the vote of the House at the last Congress it is 50 per cent, as I remember it now. I may be inaccurate, because I have not a great head for figures unless I have them before me.

Now, I have proposed at this session to make a reduction upon sugar of 50 per cent because I thought that was the wisest reduction. I thought 33½ per cent reduction wiser, but I thought that 50 per cent reduction was now the only thing that could possibly be gotten through the Finance Committee or possibly be gotten through this body. I had the honor to state to the Senator from Louisiana, personally, as well as to ex-Senator Foster, to his colleague [Mr. THORNTON], and to his colleague elect, Mr. BROUSSARD, my idea that that was the utmost that could possibly be hoped for by them, and that they

had to take their choice between a three years' reduction of 25 per cent and free trade afterwards or a reduction now of 50 per cent.

When I went to the sugar-beet men and talked about it to them they told me that they could defend a reduction, although they could not defend free sugar. I do not mean that they said they would not defend it, but I mean that they said they could not, consistently, with their past utterances in their several States. I am talking now with the utmost frankness. But when I went to men who represented the Louisiana people, the Senators, Congressmen, and sugar planters—and amongst the latter are some of the very dearest friends I have in the world; I would myself rather cut off my left hand under safe auspices in a hospital, with good surgical attention, than to hurt them—they returned me the uniform answer that the Senator from Louisiana did a moment ago—that they would rather die suddenly at the end of three years than to die gradually with a 50 per cent reduction.

Mr. President, I do not believe that a 50 per cent reduction does mean death to the Louisiana cane-sugar industry. I may be mistaken; but I have looked into the matter to the best of my poor ability, and I know, as well as I know that my name is JOHN WILLIAMS, that it does not mean death to the beet-sugar industry, except to those inefficient factories on the ragged edges and amongst the people who are not up to date in their overhead management, in their efficiency of labor, and in their wisdom and economy of management.

Mr. RANSDELL. I hope the Senator from Mississippi will allow me to finish.

Mr. WILLIAMS. Wait a moment.

Mr. RANSDELL. Was the Senator about through? I merely want to finish.

Mr. WILLIAMS. My dear sir, I thought you had given up the floor long ago.

Mr. RANSDELL. Not at all. I have been waiting patiently to conclude.

Mr. WILLIAMS. Well, then, I will finish in one more moment. I shall then be through.

I am going to offer my proposition in the subcommittee. If not carried there, I am going to carry it to the Finance Committee; if not carried there, I may or may not carry it to the caucus—I have not made up my mind about that—but if the caucus and the school of political thought to which I belong shall decide otherwise, I shall regret exceedingly that my very dear friends from Louisiana have not helped me to help them; but I shall quit with that, and I shall base my justification for quitting—for I am not a quitter as a rule—upon the speech just made by the Senator from Louisiana, in which he has laid down his ultimatum—the ultimatum of a special industry, the ultimatum of a special privilege; in fact, a declaration of war. After all, the sugar duty is a special privilege, because no man has a God-given or a natural right to make money out of an industry of any sort except where he can stand upon his two legs without legislative help. I have never stood much for special privilege. I have somewhat stood for it in this particular case and have done my best; but I shall justify myself for quitting upon the ground that the Senator from Louisiana said that he would rather die suddenly at the end of three years than to be "tortured to death" all the rest of his life with three-fourths of a cent a pound on sugar.

What is three-fourths of a cent a pound on sugar? It is about one-fourth of the price of sugar—about 25 per cent. What right, speaking now as a theoretical Democrat, no longer as a practical Democrat, no longer as a working Democrat, no longer as a man facing a political situation and condition, but speaking from the standpoint of economic theory—what right has any man to come to a whole people and say, "I can not make a living without an advantage of 25 per cent over the balance of the world, and therefore I demand that 25 per cent advantage"?

There sits before me the Senator from Montana [Mr. WALSH], who made several campaigns in the West in the bravest possible manner for the Democratic Party, and he was faced by his opponent in one of those campaigns, who said "If the Democrats came into power they would put sugar upon the free list." The Senator denied it; and he had every right to deny it; yet we are going to crucify him upon this altar. I hate to do it; I do not want to do it. I am willing to make a greater reduction on sugar than is made upon the average schedule. I am willing to make a reduction of 50 per cent, while the average reduction is 35 per cent.

Mr. RANSDELL. I do not want to interrupt the Senator; but I think I have been very patient. He rose to ask a question, and I have allowed him to do so.

Mr. WILLIAMS. I have heard that before; but I imagined, unless I was very much mistaken, that the Senator from Louisiana had finished his remarks and had taken his seat before I took the floor.

Mr. RANDELL. Not at all. The Senator is entirely mistaken. I was on the floor.

Mr. WILLIAMS. I am informed by the Senator from Arizona [Mr. SMITH] that I am mistaken; and I therefore withdraw what I have said.

Mr. RANDELL. I am glad to hear the Senator say so. I want to thank the Senator very much for his kindly interest in Louisiana. I do not know a State, outside of his own, in which he has warmer friends or greater admirers or more of them than in Louisiana, and I know that we are going to continue to love and honor him down there, no matter what action he may finally take in regard to this measure, which is of such vast importance to us. He has been our true and tried friend in the past, and we believe he is going to continue to be our friend. I will not attempt at this late hour, when there are others to speak, to go into a general discussion of the sugar tariff. The Senator from Mississippi admits that free sugar would kill us and dismantle every sugar factory in the State. The people who are in the business—I am not, but those who are in the business—tell me they would be destroyed just as effectually by a reduction of 50 per cent as they would be by free trade. That is the reason why I am opposed to that reduction. They have told me that the very limit that they could stand, and a limit that many of them could not stand, is a reduction of 25 per cent, or a duty in round numbers on the Cuban raw sugar of 1 cent a pound. I have gone just as far as I can in that respect with the present lights before me.

Mr. President, I have no disposition to hold the Senate any longer. I merely wish to add that I hope the milk of human kindness, with which the heart of the Senator from Mississippi is always overflowing, is going to continue to flow in his mind as chairman of the subcommittee in charge of this sugar question, and that he will succeed in reaching some conclusion which will prevent the great industry of my State from being destroyed.

Mr. SIMMONS. Mr. President, I know Senators are anxious that this day's session, which has already been very much prolonged, shall be ended, and I wish to ask the Senators on the other side if they will not consent to fix an hour to-morrow, say, at 3 o'clock, to vote upon the pending motion and amendments to it.

Mr. SMOOT. Mr. President, I ask unanimous consent that the Senate agree to take a recess at this time until 11 o'clock to-morrow, and that the vote be taken at or before 3 o'clock to-morrow afternoon.

Mr. JAMES. Mr. President—

Mr. SIMMONS. I will accept the suggestion of the Senator from Utah [Mr. SMOOT] that a vote be taken at or before 3 o'clock to-morrow.

Mr. JAMES. Just a moment. The Senator from Louisiana [Mr. RANDELL] has occupied about an hour and a half, together with the assistance of the Senator from Mississippi [Mr. WILLIAMS], in which time he has undertaken to answer the question I asked him yesterday. In the course of his remarks he has made an attack upon my record in regard to sugar in the national convention, and I certainly desire an opportunity to answer his speech.

Mr. SMOOT. Mr. President, I will modify my request in this way, that at the conclusion of the speech of the Senator from Kentucky [Mr. JAMES] to-night the Senate take a recess until 11 o'clock to-morrow morning, and that a vote be taken upon this question at or before 3 o'clock p. m. to-morrow.

Mr. WILLIAMS. I should like to ask for a further modification of the request. I am satisfied that it would suit the convenience of the Senator from Kentucky [Mr. JAMES] better that the Senate should meet to-morrow morning at 11 o'clock, that the Senator from Kentucky should be recognized at that time, immediately after the reading of the Journal, and that, after the morning hour, a vote be taken upon the pending motion.

Mr. SMOOT. We could hardly dispose of the matter by that time.

Mr. SIMMONS. I will ask the Senator from Utah if he will not modify his suggestion and provide that the vote shall be taken to-morrow at 1 o'clock? The Senator from Indiana [Mr. KERN] does not wish, and I do not wish, the consideration of the pending matter to displace his resolution, unless it is absolutely necessary.

Mr. SMOOT. Mr. President, if the request is granted it will not displace the resolution of the Senator from Indiana at all. At the conclusion of the morning hour all the Senator need do is to ask to lay the resolution aside temporarily. Then I will assure the Senator from Indiana that, immediately upon the conclusion of the vote upon the pending matter, I personally will vote to take up the resolution, if there is any question as to the Senate taking it up to-morrow.

Mr. KERN. It might just as well be included in the unanimous-consent agreement.

Mr. SMOOT. I am perfectly willing to include it, so as to provide that to-morrow, immediately after the vote is taken upon the question of the reference of the tariff bill to the Finance Committee, the resolution of the Senator from Indiana shall be considered.

Mr. KERN. It will still be the unfinished business.

Mr. SMOOT. It will still be the unfinished business, of course.

Mr. CLARK of Wyoming. Mr. President, it seems to me that somewhere in this agreement there ought to be some provision for debate upon the side of the House that desires to discuss the question before the Senate at this time, to wit, the question of open hearings. The Democratic side of the Senate to-day have discussed for three or four hours, not at all that question, but the question as to the merits of the proposed tariff bill, and the Senator from Kentucky [Mr. JAMES] has given an intimation that he desires to reply at length to the statements that have already been made on the other side. It occurs to me that there ought at least to be included in the proposed agreement the proposition that 20 or 30 minutes before the vote is taken shall be allowed Senators on this side of the Chamber who desire to discuss the merits of open hearings.

Mr. WILLIAMS. That is fair. I suggest that that be incorporated.

Mr. SMOOT. I hardly think that will be necessary.

Mr. STONE. Mr. President, will the Senator from Louisiana yield to me to make a motion?

Mr. RANDELL. Certainly.

Mr. STONE. I do not know what answer the Senator from Kentucky may make to the observations of the Senator from Louisiana [Mr. RANDELL]; we would all be delighted to hear him, of course; but however able or eloquent his address may be it is not really, with all due deference to him, so important as it is to get on with this business, and since the Senator from Louisiana yields to me I move to lay the amendment offered—

Mr. SMOOT. I hope the Senator will not do that at this time.

Mr. STONE. I move to lay the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified on the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE] on the table, so that we may have an immediate expression upon the question as to whether we will have public hearings.

Mr. SMOOT. Mr. President, on that I ask for the yeas and nays.

The VICE PRESIDENT. The yeas and nays are demanded. Is the demand seconded?

The yeas and nays were ordered.

Mr. SIMMONS. Mr. President, I do not understand the motion of the Senator from Missouri.

The VICE PRESIDENT. The Senator from Missouri moves to lay on the table the amendment offered by the Senator from Pennsylvania [Mr. PENROSE] as modified on the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE] to the motion of the Senator from North Carolina [Mr. SIMMONS] to refer the bill to the Committee on Finance.

Mr. STONE. Mr. President, I wish to say—

Mr. SIMMONS. I ask the Senator from Missouri to withdraw that motion, and that we may have the regular order.

Mr. LODGE. The regular order is the motion to lay on the table.

Mr. STONE. If the chairman of the Committee on Finance, of which I am a member, asks me to withdraw the motion, I will do so; but I desire to bring this matter to a head.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

Mr. STONE. I withdraw the motion.

The VICE PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. By unanimous consent, has not the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] already been adopted and become a part of the motion? I understand that has been done by unanimous consent.

Mr. SMOOT. Oh, no.

Mr. NORRIS. If so, it can not be in order to lay on the table an amendment that has already been agreed to and is a part of the original motion.

Mr. SMOOT. It has not been agreed to.

Mr. SIMMONS. No; it has not been agreed to.

The VICE PRESIDENT. It has not been agreed to.

Mr. SIMMONS. I ask—

Mr. JAMES. I rise to a parliamentary inquiry.

Mr. SIMMONS. I ask the Senators on the other side if they are at this time willing to agree to give unanimous consent to vote upon this motion and any amendments thereto at 3 o'clock to-morrow evening?

Mr. SMOOT. Mr. President, that is the very request that I originally made.

Mr. SIMMONS. Now I ask unanimous consent that to-morrow afternoon at 3 o'clock a vote be taken upon the pending motion and all amendments thereto.

Mr. SMOOT. But when are we to take it up?

The VICE PRESIDENT. There is a motion now pending before the Senate.

Mr. SIMMONS. It can be taken up when the Senate meets to-morrow. I move that when the Senate adjourns to-night, it adjourn to meet at 11 o'clock to-morrow morning, and I ask unanimous consent that at 3 o'clock to-morrow afternoon there be a vote upon the motion to refer the bill to the Committee on Finance and all amendments thereto.

Mr. CLARK of Wyoming. I ask if the Senator will agree to a division of time?

Mr. SIMMONS. We will give you ample time. We will give you half the time.

Mr. JAMES. I desire to ask the Senator from North Carolina, if the Senate meets at 11 o'clock, whether his request, if granted, will give me an opportunity to reply to the extended argument made by the Senator from Louisiana [Mr. RANDELL]?

Mr. SIMMONS. I will say to the Senator that immediately upon the convening of the Senate to-morrow I will ask that this matter be laid before the Senate.

Mr. JAMES. And that I be recognized?

Mr. SIMMONS. I think there will be ample time for the Senator.

Mr. SMOOT. There will be four hours, of course, and I feel that the Senator from Kentucky is entitled to answer the remarks of the Senator from Louisiana.

Mr. SIMMONS. And the Senator from Kentucky will have ample time in which to do so.

Mr. PENROSE. Mr. President, I have just entered the Chamber, and I should like to make an inquiry as to the status of pairs. Are pairs to be entertained to-morrow on this question?

Mr. SIMMONS. I presume the same rule that always obtains as to pairs will apply to-morrow.

Mr. PENROSE. I have heard some report about pairs having been canceled.

Mr. SIMMONS. Nothing of that kind has been done.

Mr. KERN. There is nothing of that kind proposed at this time.

Mr. WILLIAMS. Pairs would not be withdrawn except after giving fair notice to the other side.

Mr. PENROSE. I understood such a notice had been given.

Mr. WILLIAMS. There was some talk on this side of having a caucus for the purpose of canceling all pairs—

Mr. SIMMONS. Of course pairs will be recognized.

Mr. WILLIAMS. Coupled with the idea of giving four or five days' notice, or whatever is reasonable, to the other side. Of course we are not going to cancel pairs without notice.

Mr. PENROSE. I can not be here to-morrow, and of course I wanted a pair on the motion.

Mr. KERN. I understand that the original arrangement as to the pending unfinished business was included in the agreement.

Mr. SMOOT. That is, that immediately after the conclusion of the vote on the pending motion to-morrow the Senator may move to take up his resolution.

Mr. KERN. Yes.

The VICE PRESIDENT. The Chair desires to understand what the proposed unanimous-consent agreement is. Is it to the effect that when the Senate adjourns to-day it shall adjourn until 11 o'clock to-morrow, and that immediately upon reconvening it shall proceed with the discussion of the motion, and that a vote be taken at 3 o'clock?

Mr. SMOOT. Not later than 3 o'clock.

The VICE PRESIDENT. And then, after the conclusion of the vote, that the regular order, the unfinished business, shall be taken up?

Mr. SMOOT. That the unfinished business shall then be taken up for consideration.

Mr. NORRIS. Mr. President, I should like to inquire if there is any understanding on the part of the Senator from North Carolina and other Senators as to how the time is going to be parceled out?

Mr. SIMMONS. I wish to say to the Senator that I do not know of any Senator on this side, with the exception of the Senator from Kentucky [Mr. JAMES], who desires to speak to-morrow.

Mr. NORRIS. I should like to say to the Senator that I have some remarks to make. I have not undertaken to get recognition, because I knew that my remarks would perhaps not be directly on the point, and I wanted to give every Senator an opportunity to discuss, if he desired so to do, the real question before the Senate.

Mr. SIMMONS. I will say to the Senator that I am satisfied that the other side will be given ample time to-morrow.

Mr. SMOOT. We have not had any time whatever yet.

Mr. STONE. You have had all the time, practically.

Mr. NORRIS. The unanimous-consent agreement, as I understand, Mr. President, contemplates that the Senate shall meet to-morrow at 11 o'clock?

The VICE PRESIDENT. It does.

Mr. SIMMONS. Yes; it provides that the Senate shall meet at 11 o'clock to-morrow.

Mr. LIPPITT. Mr. President, I should like to ask the Senator from Kentucky about how long he expects to speak to-morrow.

Mr. JAMES. I will occupy nothing like the time consumed by the Senator from Louisiana [Mr. RANDELL]. I should say that I shall not take over 40 minutes, if that much time.

Mr. NORRIS. I should like to say to the Senator from North Carolina that I have no desire to prolong this discussion or to prevent a vote from being taken; and I would not like to be the means of preventing any other Senator speaking on the question, if he so desires. At the same time, I should not like to have a unanimous-consent agreement made with a limitation of debate that would necessarily cut me out.

Mr. SIMMONS. I think I can say to the Senator that, so far as this side of the Chamber is concerned, there will be nothing to interfere with his having all the time he may desire to-morrow.

Mr. LA FOLLETTE. Mr. President, just a word.

The VICE PRESIDENT. Does the Chair understand that there is a unanimous-consent agreement or that there is not?

Mr. LA FOLLETTE. There is not yet, Mr. President.

I am very anxious that a unanimous-consent agreement shall be reached if possible. I have an amendment pending here. The debate has not proceeded upon the amendment at all at this time. It has proceeded upon the tariff bill. I have no assurance that the entire time will not be taken up in that way. I want an opportunity to speak, for a few minutes at least, possibly half an hour, upon that amendment. I have delayed asking for the floor up to the present time, because I wanted to speak upon the pending question somewhere near the time when it was going to be voted upon.

I desire to make the suggestion that at 3 o'clock to-morrow 10-minute speeches may be made upon amendments. Then, if I found myself unable to get any time before 3 o'clock, I could withdraw my amendment, and offer it then, and speak at least 10 minutes under that arrangement.

Mr. SIMMONS. And that a vote be taken not later than 4 o'clock to-morrow?

Mr. LA FOLLETTE. Certainly; and that then the unfinished business shall come up.

Mr. SIMMONS. I modify the request in that way.

Mr. STONE. What is the request?

Mr. SIMMONS. That when the Senate adjourns to-night it adjourn until to-morrow at 11 o'clock—

Mr. SHERMAN. I should like to inquire of the Senator from North Carolina about the partition of the remainder of the time. If it is occupied by my friends of the opposite persuasion as liberally as it has been this afternoon, I do not know where any of the rest of us are likely to get any time.

Mr. SIMMONS. I can not say anything to the Senator with reference to that; but I am advised that there is no one upon this side who desires to speak except the Senator from Kentucky [Mr. JAMES].

Mr. WALSH. Mr. President, I desire to say to the Senator from North Carolina that I shall ask for an opportunity to address the Senate for about three minutes upon the amendment offered by the Senator from Wisconsin.

Mr. SHERMAN. I wish to say further, Mr. President, in continuation of my inquiry, that a great many of us have

listened with considerable appreciation to the discussion. It has ranged over the entire field of this controversy. Such time as several of us desire to consume will be used in speaking directly to the amendment of the Senator from Pennsylvania. That deals with the propriety or impropriety of granting hearings before the Finance Committee. That would only involve, from such considerations as I wish to present, any change in conditions that has occurred since the last hearings before the Finance Committee and since attempted legislation was had to the present time. Really the pertinent inquiry, Mr. President, is whether any changes have occurred in that period which would make it proper to consume time before the committee in the hearings contemplated by the amendment of the Senator from Pennsylvania. I should like to have assurances, before unanimous consent is given, if I can properly exact them, that there will be adequate time for a very brief presentation of those changes in the conditions as we see them.

Mr. SIMMONS. I think I can assure the Senator that there will be ample time for that purpose.

Mr. PENROSE. Mr. President, does the Senator mean that the Finance Committee intends to give hearings before the full committee?

Mr. SIMMONS. No; I was not talking about that.

Mr. PENROSE. I understood that was the purport of the statement.

Mr. SIMMONS. I was talking about the opportunity of gentlemen on the other side to discuss the question, Mr. President.

Mr. STONE. Mr. President, I desire to say that I withdrew the motion that I made to lay on the table the amendment of the Senator from Pennsylvania [Mr. PENROSE] as modified by the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE]. I made the motion because of this protracted filibuster, which has been going on for nearly a week, since this bill reached the Senate, and the motion of the Senator from North Carolina was made to refer the bill to the Finance Committee. My idea was to bring the question directly to a vote and indirectly in that way to determine whether or not the Senate desires these hearings. If the motion to lay on the table was carried it would be an expression on the part of the Senate that it did not intend to enter upon hearings, and then there would be but one thing before the Senate—the naked question whether the bill should be referred to the committee. But acting upon the appeal of my friend the chairman of the committee of which I am a member to withdraw the motion, I did so, and if we can agree to an hour to vote I am perfectly willing. But if it can not be done, I shall again propose that we end this interminable debate by a motion to lay these amendments on the table, and then see whether we shall go on filibustering upon the mere proposition as to whether the bill shall be referred to the Finance Committee.

Mr. JAMES. I should like to ask the Senator from Missouri a question. After those amendments were laid on the table, could not the Senators on the other side offer some others which you would have to lay on the table?

Mr. STONE. To be sure.

Mr. JAMES. You would have to continue to do that and lay those on the table; so the best way is to get an agreement for a vote.

Mr. STONE. I say so; I have said so. Hence I withdrew the motion. But I give notice now, all the same, that unless an agreement is made, as far as I am concerned, I am going to urge—

Mr. SIMMONS. Mr. President, I ask the Chair to lay before the Senate the request for unanimous consent.

The VICE PRESIDENT. Is there objection to the request for unanimous consent that upon the adjournment of the Senate to-day it shall adjourn until 11 o'clock to-morrow; that at that hour the matter now pending before the Senate shall be taken up and, if needful, continued until the hour of 3 o'clock, after which time 10-minute speeches may be made until the hour of 4 o'clock, when a vote shall be taken, and then that the unfinished business—the resolution for the Paint Creek coal fields investigation—shall be taken up?

Mr. SIMMONS. Mr. President, that should be upon the motion and all pending amendments.

Mr. OLIVER. I ask that the request be put, Mr. President.

The VICE PRESIDENT. Is there objection to the request for unanimous consent? The Chair hears none, and consent is given.

Mr. KERN. Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 16, 1913, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, May 15, 1913.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we most earnestly pray for Thy spirit, that it may come in all fullness and possess our minds and hearts, that we may be quick of perception, clear of thought, wise of judgment, pure of motive, strong of action; that as individuals we may personify truth, justice, mercy, righteousness, peace, and good will, and thus satisfy our own aspirations and the desires of Thy heart revealed in Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday, May 12, 1913, was read and approved.

LEAVE TO WITHDRAW PAPERS.

Mr. LAFFERTY, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of H. R. 20450, for the relief of the Victor Land Co., Sixty-second Congress, no adverse report having been made thereon.

Mr. BROCKSON, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of the Delaware Transportation Co.'s claim against the Government (H. R. 11084, 62d Cong.), no adverse report having been made thereon.

RESIGNATION OF A MEMBER.

The SPEAKER laid before the House the following communications, which were read by the Clerk:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ELECTION OF PRESIDENT,
VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS,
Washington, D. C., May 10, 1913.

HON. CHAMPE CLARK,
Speaker United States House of Representatives.

DEAR SIR: Inclosed please find duplicate copy of my resignation, which I have forwarded to the secretary of state of the State of Michigan.

Yours, truly,

H. OLIN YOUNG.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ELECTION OF PRESIDENT,
VICE PRESIDENT, AND REPRESENTATIVES IN CONGRESS,
Washington, D. C., May 10, 1913.

TO FREDERICK C. MARTINDALE,
Secretary of State of the State of Michigan:

I hereby tender my resignation as Representative in Congress from the twelfth district of Michigan, to take effect May 16, 1913.

H. OLIN YOUNG.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the bill (H. R. 2441) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, for printing under the rule.

The SPEAKER. The Clerk will announce it by title.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MANN. Does this conference report present an agreement?

Mr. FITZGERALD. It is a disagreement on the provision relating to the management of the soldiers' home.

Mr. MANN. Why not dispose of it this morning?

Mr. FITZGERALD. The Senate must act on it first.

JOSEPH G. CANNON (H. DOC. NO. 48).

Mr. MANN. Mr. Speaker, I ask unanimous consent to have printed as a House document an article which appeared recently in the Saturday Evening Post, written by Mr. Cannon, former Speaker of the House.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to have printed as a public document Mr. Ex-Speaker Cannon's article which was published in a recent number of the Saturday Evening Post. Is there objection? There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the Record.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. METZ. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the subject of trade agreements in Germany.

The SPEAKER. The gentleman from New York [Mr. Metz] asks unanimous consent to extend his remarks in the RECORD on the subject of trade agreements in Germany. Is there objection?

There was no objection.

Mr. THACHER. Mr. Speaker, I ask unanimous consent that certain resolutions relating to the tariff, adopted in New Bedford, Mass., be printed in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. Thacher] asks unanimous consent that certain resolutions passed by citizens of New Bedford, Mass., on the subject of the tariff, be printed in the RECORD. Is there objection?

Mr. MANN. If the gentleman will modify his request so as to ask unanimous consent to extend his remarks in the RECORD, which is, of course, another way of doing the same thing, I will not object.

Mr. THACHER. I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. THACHER. Mr. Speaker, under the leave granted, I present the following resolution, which I wish to place in the RECORD, and which I indorse in part:

At a conference of representatives of all the mill corporations of New Bedford held May 2, 1913, the following resolutions were unanimously adopted:

Resolved, That we protest against the reductions in rates on cotton cloth, cotton yarns, and cotton manufactures contained in H. R. 3321, now pending in Congress, as too radical and too drastic, and which, if finally adopted, will seriously affect the whole cotton-manufacturing industry.

The cotton manufacturers of New Bedford, realizing the great importance of this proposed revision to its continued prosperity, respectfully urge upon Congress the necessity of so amending these rates as to enable our industries to meet the competition of foreign countries in the manufacture of fine cotton goods.

The business is a highly competitive one and for this reason, if for no other, every effort has been made by our manufacturers to practice and encourage efficiency in every department of effort.

The mills are modern, equipped with the best machinery, skillfully managed, and manned with competent operatives. No readjustment of tariff rates is needed to stimulate efficiency in our manufacture, nor will increased efficiency take the place of the proper and more favorable consideration of tariff rates which are needed to continue the prosperity of this industry in all its branches.

This whole community is deeply interested in this subject, and therefore not alone in our own interests, but in the interest of every phase of our community life we respectfully petition for an opportunity to present to Congress and its committees the protest and views of the New Bedford manufacturers.

On behalf of the committee:

FREDERIC H. TABER, Clerk.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

HENRY N. LEWIS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The gentleman from Missouri asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 49.

Resolved, That the Clerk of the House is hereby authorized to pay, out of the contingent fund, to Henry N. Lewis, nephew and sole heir of Elijah Lewis, late a messenger on the old soldiers' roll of the House, a sum not to exceed \$250, for the funeral expenses of the said Elijah Lewis.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

LEAVE TO ADDRESS THE HOUSE.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that at the end of the business of this morning I may be permitted to address the House for 15 minutes.

Mr. HARDWICK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman upon what subject?

Mr. MONDELL. On the state of the Union. [Laughter.]

Mr. HARDWICK. I shall object unless the gentleman makes it a little more definite.

Mr. MONDELL. I desire to call attention to some remarks that have been made relative to the state of the industries of the country, but particularly to refer to some remarks made at a banquet last night in this city.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

OREGON LAND-GRANT DECISION.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD to include the printing of an editorial concerning the Oregon land-grant decision.

The SPEAKER. The gentleman from Oregon asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the article referred to:

[From the Oregonian, Portland, Oreg., Thursday, May 1, 1913.]

LAND GRANT FORFEITED.

Judge Wolverton's decision forfeiting the Southern Pacific land grant was almost a foregone conclusion, but it can not become effective until it has been finally confirmed by the United States Supreme Court. In the meantime no disposition of the land can be made. The Southern Pacific's title is now so clouded that it could find no buyers, even though it complied strictly with the terms of the grant. The Government can do nothing until the grant is finally annulled and until Congress has provided by legislation for the disposal of the land. The decision is assurance that in not less than two years the way will have been cleared for raising the embargo on the development of southern Oregon, but how this will be done remains to be decided.

It is necessary to lay stress on these facts, because many persons have been deluded into the belief that by settling on tracts in the land grant or by making a tender of the legal price to the railroad they have established a prior claim to purchase whenever the forfeiture is confirmed. They have established nothing, but have simply thrown away their money. Forfeiture of the grant will rescind all its conditions and will restore the land to the public domain, but not render it open to settlement under any of the general land laws. The courts can only declare that the Government, not the railroad, is the owner. They can not declare on what terms it may be purchased from the Government; Congress alone can do that. Men who pay \$200 to \$250 apiece to lawyers and land locators are buying a mere shoestring. Let them take warning and keep their money.

The decision is important as a judicial determination that the greatest corporations, like the poorest individual, must keep faith with the Government. When they acquire land from the Government, they must comply with the terms of the grant or give back the land. The home-steader can not get a patent without improving his claim and standing the fire of a special agent's inquiry and a land-office hearing. The railroad stands on the same footing. It has the money to fight a lawsuit through to the highest court, but the Government is equally ready and able to fight, and will do so. The decision means that there is to be an end of deals between the people and corporations wherein the people live up to their side of the bargain and the corporations ignore theirs.

It has been freely predicted that the forfeited land, being mostly timbered, will be added to the national forests and that there will be little, if any, left available for agriculture. This is by no means certain. Congress, during the Roosevelt administration, passed a law forbidding any further additions to the national forests without specific enactment. Congress has shown increasing reluctance to pass such laws. Much of the timbered grant land, being in the valleys and near the railroads, will be admirably adapted for farming when cleared. Such land may be turned over to the Forestry Bureau with orders to sell the timber without delay. It may then be thrown open to homesteading. The West will not consent to the legislative sanction of the Land Office's new classification of some land as "timbered homesteads" and to such land being withheld from settlement on that pretext. It would probably agree to the harvesting of the timber by the Government before agricultural settlers are admitted. That course would accord with the policy of conservation which carries with it the development of the country.

MILITIA ORGANIZATION AND DISTRIBUTION.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution from the chamber of commerce in the city of Spokane, Wash., relative to the militia, its organization, and distribution.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the matter referred to:

Whereas it is the belief of the Spokane Chamber of Commerce and of the people of Spokane that these things are true:

That the approaching completion of the Panama Canal emphasizes the importance of the obligation assumed by the United States in the Monroe doctrine, wherein it is stated "that any attempt on the part of a foreign power to extend their system to any portion of this hemisphere is dangerous to our peace and safety."

That the shifting of the world's activities to the Western Hemisphere and especially to the Pacific coast makes it a national duty to take every precaution to prevent warfare by a thorough organization of the forces of national defense and offense.

That in view of the overwhelming expense and disaster which has followed the early efforts of the American arms in all previous wars, the present force of 20 regiments of Infantry on the mainland of the United States is so insufficient as to be a menace to all business conditions of the country.

That this insufficiency is now much more serious than it has been at the time of any previous war because of the new basis of greater science upon which all preparations for warfare are conducted. The wars of the past were struggles of closely massed men. The wars of the future will be widely extended, long-range operations in loose, open-order formation. In such contests there will be great dependence upon the responsibility of the individual officers and men. To attain success under such conditions necessitates high training, physical endurance, and skill. Small arms, machine guns, and field guns are being built for long range and rapid fire, with many complications and adjustments. Modern warfare will involve conditions never known in private life or in past wars. Arms, ammunition, and men for modern service require time to prepare and have ready, while wars are sudden and of terrific violence.

That the Army should not only be increased in numbers and equipment, but that the arrangement of the Army in the United States should be upon a carefully prepared plan to give a maximum of efficiency in time of war.

That in the preparation of such a plan particular attention should be given to the Pacific coast, not alone because of the opening of the Panama Canal, but because of the growing importance of the Orient.

That in the working out of such a plan Spokane is of great strategic importance. Spokane is protected by the chain of the Cascade Mountains with passes capable of fortification and defense.

That Spokane is a natural modern strategic center by reason of the seven transcontinental and many branch railroads entering at the city, supported by the railroad repair and construction shops. Spokane is a point where a large force can be concentrated and a large depot of supplies assembled ready to be quickly sent over any one of several railroads to any point on the coast or the frontier. Such a storage at any point on the coast would be impractical and unwise by reason of the ability of an enemy to land at any point on the north and south line of the coast and thus prevent the furnishing of aid or support from one coast point to another.

That in any development for higher efficiency Fort George Wright is invaluable to the Army. It is ideal for the work of the men because it has a healthy mountain climate. The Weather Bureau reports that in 30 years there has never been a death from excessive heat or cold. For maneuvers the soil is a gravelly loam favorable to all three arms—Infantry, Cavalry, and Field Artillery. The immediate locality of the post is favorable to varied field maneuvers of every kind.

That Fort George Wright is especially desirable for the work of the Army because of the interest at all times manifested by the people of Spokane, an interest dating from 20 years ago when the people of the city donated the magnificent site to the United States Government.

Therefore, in view of all these facts, the Spokane Chamber of Commerce does hereby adopt and spread upon its minutes the following resolutions:

Resolved, That the United States should have a larger Army.

Resolved, That for the greater efficiency of the Army on the North Pacific coast Fort George Wright should be enlarged into a brigade post and be made a depot for the storage of reserve military supplies.

Resolved further, That a copy of these resolutions be transmitted to the Secretary of War, the Chief of Staff, and the Senators and the Representatives in Congress from the State of Washington.

PRINTING ADDRESS OF COL. TOWNSEND, PRESIDENT MISSISSIPPI RIVER COMMISSION.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to have published as a House document an address delivered by Col. Townsend, president of the Mississippi River Commission and a member of the Army Corps of Engineers, recently delivered before the drainage convention in the city of St. Louis.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to have printed as a House document an address by Col. Townsend at the drainage convention. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Wyoming is recognized for 15 minutes.

THE TARIFF.

Mr. MONDELL. Mr. Speaker, on the last day of the debate in the House on the Underwood tariff bill, in discussing the point of order raised by him on the motion to recommit, offered by the gentleman from New York [Mr. PAYNE], the gentleman from Alabama [Mr. UNDERWOOD] digressed from his discussion of the point of order to issue what I assume he intended as a solemn warning, in the following language:

Mr. Speaker, we have established a Bureau of Foreign and Domestic Commerce that goes far beyond anything that these gentlemen desire to obtain in their tariff board, and it is well for the country to know it. It not only has the power to investigate the question of cost either here or abroad, the amount of imports and exports and American consumption, but when a great manufacturing institution is ready to threaten its laborers with a reduction of wages because they say there has been adverse action and legislation in Congress, or to reflect on the action of the Government of the United States, that bureau has the power to walk into their offices and ascertain whether there is real reason for their cutting the rates of wages of their labor or whether it is merely a selfish attempt to put money into their own pockets. [Applause on the Democratic side.]

The statement has been made that this tariff bill will act on labor and affect the wages of laboring men. I give you notice now that when the men from whom you bring that message endeavor to grind labor in the interest of Republican politics there is a bureau of this Government that is going to ascertain the reason why. [Applause on the Democratic side.]

Mr. Speaker, at the time the gentleman from Alabama uttered these words he had been under a severe strain for nearly two weeks piloting his bill through the House. He had been compelled to listen to some very severe criticism of the measure and to the perfectly sincere and very emphatic statements made by gentlemen on both sides of the aisle to the effect that the proposed legislation threatened the prosperity, and, in some cases, the very existence of great industries, and, consequently, the rate of wages and the employment of many people. The gentleman from Alabama is good-natured and a good deal of a philosopher, and yet these criticisms and warnings quite naturally somewhat disturbed his usual imperturbable equanimity. He therefore had perhaps some license for a little extravagance of statement. Under ordinary circumstances I think the gentleman would have hesitated to warn those engaged in enterprises threatened by his bill that they must continue to operate

without any reduction of wages, without regard to the financial loss that such operation might entail. In the heat of debate the gentleman attempted to convey the impression that any suspension of business which might occur, or reduction of wages that might follow, would be purely for political purposes, and based on this false and unfair hypothesis he proceeds to utter a warning entirely unwarranted under the circumstances. Possibly the bluff of the gentleman from Alabama can be forgiven in view of the condition of its utterance.

The morning papers bring us, however, notice of a threat which, in view of its source and its apparent careful preparation, can not be so readily overlooked. We are informed that the honorable Secretary of the Department of Commerce, in the course of some remarks at the banquet of the National Association of Employing Lithographers, at the Willard last evening, following the expression of fears on the part of some of those present that the Underwood bill threatened employment and wages, proceeded to make some very pointed remarks along the lines of the statement made by the gentleman from Alabama, a portion of which are reported in the Washington Post, as follows:

PURPOSE OF THE DEPARTMENT.

"The Department of Commerce exists," said the Secretary, "for the purpose of promoting American industry and commerce at home and abroad. It intends to do its work as well as it can with the force and funds provided. As the head of that department, I feel that while its scope in aiding commerce is broad and has many phases, one of these phases which is important is that of turning light upon inefficiencies wherever they can be found."

"I have spoken frankly, gentlemen, on this particular line, because I have received a circular, issued under the auspices of your association, from which I take these words, referring to the reduction in the tariff on the goods in which you are interested as producers:

WARNING TO LITHOGRAPHERS.

"This means workmen thrown out of jobs. It means that wages must go down in order to compete. It may mean longer hours than 48 hours a week."

"You have been yourselves, you see, as frank as I, and your statement was made first. If, in the final result, the words I have quoted are put into effect by you in a substantial degree, it may become the duty of the Department of Commerce to inquire into your business methods."

Every right-minded citizen is heartily in sympathy with every proper effort of Government departments to bend their energies toward the establishment of favorable conditions among American industries and toward the maintenance of fair and equitable relations between the managers and the management of industries and those who as employees in such industries, through their skill and labor, render them successful. The Department of Commerce and the Department of Labor are particularly charged with responsibility in these matters, and will have the support of all the people in the performance of their duty along these lines; but I know of no statute which contemplates that a department of the Government shall attempt to coerce men into continuing an enterprise or attempting to continue it without modification of terms of employment when conditions brought about by legislation render the continuation of the industry under present or past conditions of operation and employment impossible without serious financial loss. Has the Secretary of the Department of Commerce any funds at his disposal whereby he can compensate employers for losses which would accrue from the continuation of enterprises on the present basis of wages should the effect of the Underwood bill be to make it impossible to thus continue the enterprise without serious financial loss?

Mr. Speaker, remarks somewhat similar to those I have quoted have been made by some very high in office and authority, and I think it is about time that some attention was paid to and reference made to them. In my opinion they are at this time less warranted than ever in the history of tariff legislation. At the beginning of my remarks on the Underwood bill I called attention to the peculiarly favorable conditions and circumstances under which our friends on the other side have undertaken the revision of the tariff. In my opinion there is nowhere in the country any considerable number of men who, whatever their fears may be relative to the effect of that legislation, are not anxious that they may be able under it to continue their enterprises without loss, and in this state of the public mind, in this condition, when even those who fear the most are themselves most anxious that you shall be successful, it is peculiarly ungracious, to use no stronger term, that men in high station, charged with great responsibility, should in cold blood—not in the heat of debate—in carefully prepared statements warn the employers of the country that unless they continue to run their industries, unless they continue to run them under the plan relative to wages and employment now in force, they shall have their business inquired into by a Government bureau which arrogates to itself the authority to inquire and to decide as to the motives which actuate a shutting down, a limiting of production, or an attempt to keep going by a reduc-

tion of wages. We are gravely informed by the head of a Government department that he proposes, if enterprises in any way modify their business after the passage of the Underwood bill, to make inquiry and ascertain whether their machinery is up to date, whether their methods of operation are entirely satisfactory from the viewpoint of the high and mighty Secretary of Commerce.

I must say that of all I have ever heard during tariff debates some things that have been said along these lines are the most extraordinary. Does the Secretary of the Department of Commerce believe that he can compensate the flockmasters of my State, for instance, for the losses they are sure to suffer under this bill? We hope, we pray, that those losses will be comparatively light, but that loss will come all must admit. If not, what rhyme or reason was there in your action? Wool was placed on the free list for the purpose of reducing the value of the product. If that was not the object, there was none. And can you reduce the value of that product without disturbing the industry? Is there a department of the Government somewhere to compensate for such loss? If there is, the flockmasters of my Commonwealth will be entitled to apply, for our losses are certain. Has the Department of Commerce some method of compensating the manufacturers of beet and cane sugar for the certain dismantlement of the great majority of their factories, admitted practically by all? Has the Secretary of Commerce a fund at his disposal to compensate the farmers who are to lose heavily if the reduced values of their products promised under this bill shall materialize; and is he prepared to guarantee that the wage of farm and ranch labor shall be maintained?

The Secretary serves notice that he proposes to inquire, should industries be suspended or crippled in output or opportunity of employment, as to their business methods, their efficiency, their up-to-dateness. Is that for the purpose of serving notice on them that they must run their business according to a method prescribed by the Secretary; and if not, what does he propose to do about it? Should his advice and recommendations be followed and business continued, is he prepared to guarantee reasonable returns, or any returns at all? Does he expect to compensate for losses incurred under such conditions? Have we come to that pass that a department of the Government shall rise and say that men whose lifelong savings are jeopardized, men anxious to carry on their industries, men desirous of paying good wages, shall be threatened because, forsooth, they, in perfect good nature and good faith and with intense sincerity, insist that their industries are jeopardized? You are fortunate, gentlemen, you are fortunate beyond all experience in the attitude of the American people toward your revision, and in heaven's name be gracious enough to acknowledge and be thankful for this frame of mind. It is not possible, and you all know it, that with the great range of our industries, multiplied thousands in kind and character, from one end of the Nation to the other, that some will not be seriously disturbed by this radical legislation.

Products of great volume and value, the fruits of the labors of a vast number of people, can not be taken from the dutiable list and placed on the free list without seriously, if not disastrously affecting, not only investment, but labor as well. Industries great and small can not have the rates of tariff schedules which affect them radically changed without serious disturbance, without probable destruction to some and serious injury to all. No thoughtful person denies the truth, to a certain extent at least, of this assertion, and as labor is the largest element in production, and wages paid to labor a large proportion of the cost of any product, there can be no denying the fact that this radical legislation of yours seriously threatens a loss of employment in certain lines of activity and rates of wages in many lines. Yet because men honestly express their fears in regard to these matters they are threatened with some undefined sort of coercion, a threat which would be ridiculous if it was not intended to carry a real menace from official sources to those who, from the standpoint of certain Government officials, may be so unpatriotic as to decline to carry on their business at a permanent loss.

As a matter of fact, the legislation is urged with the claim that there must be a lowering in the returns of certain industries for the general good, and a very serious one in certain lines. The American people are anxious, if they can, to adjust their affairs to your legislation. I do not think there is an employer anywhere who desires to reduce wages. In your effort to do what you believe is the right thing to do, and thus necessarily threatening or jeopardizing employment, you certainly should restrain yourselves from threatening men who, in their efforts to readjust to meet changed conditions, fear they will find it necessary to ask their employees to decide between less favor-

able labor conditions or the closing down of industries. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that I may proceed for 10 minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that he may address the House for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, it is not my desire to reopen the case that has been sent to the Senate. The gentleman from Wyoming [Mr. MONDELL] is a typical representative of his party, able, strong, but a thorough exponent of the doctrine of protection for the great industries of this country. He has shown the dividing line this morning. For years gentlemen on that side of the House have stated that they levied the tariff taxes in this country in the interest of labor. To-day the glove is off the mailed hand, and the gentleman from Wyoming exposes the ground on which his party has always stood. [Applause on the Democratic side.] He stands here only in the interest of the great manufacturers of this country and cares nothing whatever for the labor that works in the factories. [Applause on the Democratic side.] Now, the situation is simply this: If you will examine the tariff hearings which were held last winter before the Ways and Means Committee you will find page after page and volume after volume filled with the statements of the manufacturers that if the Democratic House dared to reduce this protective tariff in the interest of the American people that they would take that reduction out of the labor in their mills and their factories, and you can not deny it. Man after man in these great industries came before us and stated that what reduction you make shall come out of the labor—

Mr. MONDELL. Will the gentleman yield—the gentleman wants to be fair.

Mr. UNDERWOOD. I do.

Mr. MONDELL. I think that the gentleman did not have anyone before his committee who made just such a statement as the gentleman has made.

Mr. UNDERWOOD. Yes; I have.

Mr. MONDELL. Many gentlemen said they could not continue to operate under changed conditions without a reduction of wages.

Mr. UNDERWOOD. That is exactly what I said, there is no difference; that they would take the reduction out of their labor and not out of their own profits.

Mr. MONDELL. Does the gentleman expect them to run permanently at a loss?

Mr. UNDERWOOD. Not if they are not making unreasonable profits, and many of them, and the gentleman knows it as well as I do, have made enormous profits, and now they would continue to keep those enormous profits at the expense of their labor, and more than that, gentlemen on that side of the House for more than two weeks in the debate in this House on the tariff bill contended that if we passed that bill it meant that the effects of the bill would be visited on the labor of this country. Now I want it distinctly understood that we are not threatening industry, nor are we threatening labor. You contended here that we needed a tariff board to ascertain facts in order that the rights of industry and the rights of labor might be well guarded. I told you you did not need a tariff board, that we had already organized a board in this Government that could ascertain the facts and would ascertain the facts, and now that the machinery of Government has started to ascertain the facts you throw up your hands and show the white feather and run to cover, because you are afraid to have a just and a fair investigation. [Applause on the Democratic side.] That is all. There is no desire on the part of the Government to interfere with any industry. We have got no right to stop them, but when we see conditions in this country existing that will be detrimental to labor we are entitled to know one of two things. First, whether or not they are telling the truth. [Applause on the Democratic side.] If they are not telling the truth and they intend to injuriously and unfairly punish their labor, taking an enactment of Congress as an excuse, then it is nothing but right that the facts should be given publicity and the people of the United States should know the facts. [Applause on the Democratic side.]

That is all there is to that side of it. On the other hand, if a law on the statute books has in any particular instance been so drastic that it may affect the great industrial interests in this country and affect the wages of their labor, whether you want to know it or not, this side of the House wants to know it, because we propose to do abstract justice, and if we

have made a mistake we will not be afraid to recognize it. [Applause on the Democratic side.]

We do not intend to hide behind closed doors, but we are prepared to throw the limelight of public opinion not only on the acts of the manufacturer, but the acts of this House. If we have made a mistake we are men enough to acknowledge it and rectify it [applause on the Democratic side], and if we have not we will see that the other man does justice—

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. MONDELL. Does not the gentleman think he will know without an investigation of the Department of Commerce if the industries of the country are seriously jeopardized or seriously injured, and do I have his promise that if there are any industries which are seriously injured by your bill the injustice shall be rectified by legislation in the near future?

Mr. UNDERWOOD. When the Department of Commerce report, after a careful, disinterested, and honest investigation, that an injustice has been done either to an industry of this country or to the labor employed in that industry, you may rest assured that this side of the House will rectify any wrong which has been done.

Mr. MONDELL. Does that include the wool industry and the sugar industry?

Mr. UNDERWOOD. Oh, there are some propositions that we recognize are not entitled to be classed as legitimate industries any more than you can grow lemons in Maine, or that we expect to continue an artificial or improperly conducted or improperly managed industry. But we are entitled to know the facts, and we are going to know them. It is no threat. These men came before the committee and made their statements about this labor matter. Many of them invited the committee to inspect their books. The committee did not have the machinery with which to do it. But the committee is investigating the pottery industry in this country, and, following that investigation, is going on with other industries.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I understand that the gentleman from New York [Mr. FITZGERALD] will have a bill before the House to-morrow. [Applause on the Democratic side.]

WITHDRAWAL OF PAPERS.

Mr. FRENCH asked and obtained unanimous consent to withdraw from the files of the House, without leaving copies, papers in the following cases, no adverse reports having been made thereon:

- H. R. 13138. A bill for the relief of Pierson Bros. & Co.;
- H. R. 27843. A bill for the relief of Oliver P. Pring;
- H. R. 18463. A bill for the relief of T. S. Williams;
- H. R. 17067. A bill correcting the military record of Reuben Sewell;
- H. R. 17066. A bill correcting the military record of Jonas O. Johnson;
- H. R. 26170. A bill correcting the military record of James C. Simmons, alias James C. Whitlock;
- H. R. 26369. A bill granting a patent to Joseph Robicheau;
- S. 4839. A bill for the relief of Mary J. Webster;
- H. R. 22548. A bill granting a pension to Mary C. Warren;
- H. R. 27846. A bill granting a pension to William H. Winters;
- H. R. 27748. A bill granting a pension to Currency A. Gummere;
- H. R. 24938. A bill granting a pension to John W. Clark;
- H. R. 22926. A bill granting a pension to Edward Flannery;
- H. R. 26368. A bill granting an increase of pension to Thomas W. Wheeler;
- H. R. 24340. A bill granting an increase of pension to Frank E. St. Jaques;
- H. R. 10043. A bill granting a pension to George W. Smith, alias George Smith;
- H. R. 17954. A bill granting an increase of pension to Hans P. Nielson;
- H. R. 21034. A bill to correct the military record of Aaron Kibler;
- H. R. 21323. A bill granting a pension to William R. Trull;
- H. R. 13519. A bill granting a pension to Floyd L. Campbell;
- H. R. 13518. A bill granting an increase of pension to Albert Hagstrom;
- H. R. 17320. A bill to provide relief for Anton Conyar;
- H. R. 19148. A bill to provide relief for the widow and minor children of James Kerr; and
- H. R. 13517. A bill granting an increase of pension to Charles E. Lewis.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bills be not read. They all refer to military affairs and private land cases or are otherwise of private character.

Mr. UNDERWOOD. I understand that no adverse report has been made upon any of them.

Mr. FRENCH. No.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 36 minutes p. m.) the House adjourned until 12 m. to-morrow, Friday, May 16, 1913.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 3786) granting a pension to John Kinkade, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BROWNE of Wisconsin: A bill (H. R. 5133) for the purchase of a site and the erection of a public building at Waupaca, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5134) for the purchase of a site and the erection of a public building at Shawano, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5135) for the purchase of a site and the erection of a public building at Marshfield, Wis.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5136) for the purchase of a site and the erection of a public building at Grand Rapids, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. EVANS: A bill (H. R. 5137) to promote instruction in forestry in States and Territories which contain national forests; to the Committee on Agriculture.

By Mr. AVIS: A bill (H. R. 5138) to amend and reenact section 113 of chapter 5 of the Judicial Code; to the Committee on the Judiciary.

By Mr. HAMILL: A bill (H. R. 5139) to provide for the retirement of employees in the civil service; to the Committee on Reform in the Civil Service.

By Mr. FLOYD of Arkansas: A bill (H. R. 5140) to improve the postal service and to fix the salaries of postmasters of the fourth class; to the Committee on the Post Office and Post Roads.

By Mr. GOODWIN of Maine: A bill (H. R. 5141) to except the ports of Machias and Eastport, in the State of Maine, from the reorganization of customs-collection districts; to the Committee on Ways and Means.

By Mr. SLOAN: A bill (H. R. 5142) to permit homesteaders who have heretofore taken and acquired homestead of less than 160 acres within the limits of railway grants to take and acquire an additional tract sufficient to make the aggregate taking and acquirement not more than 160 acres; to the Committee on the Public Lands.

By Mr. FOSTER: A bill (H. R. 5143) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations; to the Committee on Agriculture.

Also, a bill (H. R. 5144) to establish a biological and fish-cultural station in the twenty-third congressional district of Illinois; to the Committee on the Merchant Marine and Fisheries.

By Mr. HARDWICK: A bill (H. R. 5145) to amend section 28 of the Judicial Code of the United States; to the Committee on the Judiciary.

Also, a bill (H. R. 5146) to increase the limit of cost of the public building at Augusta, Ga.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 5147) to amend the laws relating to shippers' manifests of merchandise for exportation; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5148) to amend section 4197 of the Revised Statutes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: A bill (H. R. 5149) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended by the act approved August 23, 1912; to the Committee on Interstate and Foreign Commerce.

By Mr. SPARKMAN: A bill (H. R. 5150) to establish a fish-cultural station at some suitable point on the Gulf coast of Florida; to the Committee on the Merchant Marine and Fisheries.

By Mr. KINKEAD of New Jersey: A bill (H. R. 5151) to amend an act entitled "An act to create a uniform system of bankruptcy in the United States and Territories," approved July 1, 1898; to the Committee on the Judiciary.

By Mr. SHERWOOD: A bill (H. R. 5152) to provide the least number of men who must be assigned to each engine or locomotive engaged in handling cars used in interstate commerce and in switching cars in any railroad yard or on any railroad track in the States and Territories of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: A bill (H. R. 5153) to authorize the construction of a bridge across San Francisco Bay, to connect the cities of Oakland and San Francisco, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5154) authorizing the President to appoint Alexander Shiras Gassaway a second assistant engineer in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLIER: A bill (H. R. 5155) to provide for a district judge in the northern and southern districts of the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of Maryland: A bill (H. R. 5156) to establish a Federal rural credit system under the Department of Agriculture; to the Committee on Agriculture.

By Mr. MCGUIRE of Oklahoma: A bill (H. R. 5157) authorizing the Ottawa Tribe of Indians of Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

Also, a bill (H. R. 5158) authorizing the Secretary of the Interior to permit exchanges of lands of Osage allottees, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 5159) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States; to the Committee on Indian Affairs.

Also, a bill (H. R. 5160) to adjust and settle the claims of the loyal Shawnee and loyal Absentee Shawnee Tribe of Indians; to the Committee on Indian Affairs.

Also, a bill (H. R. 5161) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States; to the Committee on Indian Affairs.

By Mr. SMITH of New York: Resolution (H. Res. 105) making it the duty of standing and subcommittees of the House to prepare and preserve records of all meetings of such committees or subcommittees, and said records or minutes shall be open to public inspection; to the Committee on Rules.

By Mr. FRANCIS: Resolution (H. Res. 106) to appoint a committee of five Members of the House to investigate the American Woolen Co. and ascertain whether said company has violated or is violating the antitrust act of 1890, or any other law of the United States; to the Committee on Rules.

By Mr. STEPHENS of Texas (by request of the Universal Peace Union, Philadelphia): Joint resolution (H. J. Res. 83) requesting the President to communicate with Great Britain with a view to the appointment of a commission to investigate the possibility of rectifying the boundary of southeastern Alaska; to the Committee on Foreign Affairs.

By Mr. LEVER: Joint resolution (H. J. Res. 84) limiting the editions of the publications of the Bureau of Education; to the Committee on Education.

By Mr. ROGERS: A memorial of the Legislature of Massachusetts, relative to the tariff; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 5162) for the relief of the heirs of Catherine Norris, deceased; to the Committee on War Claims.

By Mr. AINEY: A bill (H. R. 5163) for the relief of Archibald Nurss; to the Committee on Military Affairs.

Also, a bill (H. R. 5164) for the relief of Edward Lane; to the Committee on Military Affairs.

Also, a bill (H. R. 5165) granting an increase of pension to Henry L. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5166) granting an increase of pension to Horace L. Butler; to the Committee on Invalid Pensions.

By Mr. AVIS: A bill (H. R. 5167) granting a pension to Edgar E. Cummings; to the Committee on Pensions.

Also, a bill (H. R. 5168) granting a pension to Mary A. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5169) granting a pension to Margaret Jane Racer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5170) granting an increase of pension to George H. Imboden; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 5171) granting a pension to William G. Parks; to the Committee on Pensions.

Also, a bill (H. R. 5172) granting a pension to John W. McKissick; to the Committee on Pensions.

Also, a bill (H. R. 5173) to correct the military record of Orvis P. Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 5174) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. BROWN of New York: A bill (H. R. 5175) granting a pension to Emma J. Crocker; to the Committee on Pensions.

Also, a bill (H. R. 5176) granting a pension to Eva Prime; to the Committee on Pensions.

Also, a bill (H. R. 5177) granting an increase of pension to Jacob Fister; to the Committee on Invalid Pensions.

By Mr. BROWNE of Wisconsin: A bill (H. R. 5178) for the relief of August Schultz; to the Committee on Indian Affairs.

By Mr. BRYAN: A bill (H. R. 5179) granting an increase of pension to Pedro B. de G. Fernandez; to the Committee on Pensions.

By Mr. CALDER: A bill (H. R. 5180) for the relief of Alexander H. Allan and others; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 5181) granting a pension to Sallie Clark; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 5182) to reimburse Minnie Dillon; to the Committee on Claims.

By Mr. EVANS: A bill (H. R. 5183) for the relief of Mary L. Boehner; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 5184) granting a pension to Anna Jacobs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5185) granting an increase of pension to Augusta A. Lellyett; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 5186) for the relief of William Dorgan; to the Committee on War Claims.

Also, a bill (H. R. 5187) for the relief of Charles Snyder; to the Committee on Military Affairs.

Also, a bill (H. R. 5188) granting a pension to Jacob Heffler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5189) granting an increase of pension to J. C. Judy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5190) to remove the charge of desertion from the record of L. N. Mansfield; to the Committee on Military Affairs.

By Mr. GOODWIN of Maine: A bill (H. R. 5191) granting a pension to Frank N. Curtis; to the Committee on Pensions.

Also, a bill (H. R. 5192) granting a pension to Ellen H. Russell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5193) granting a pension to George C. Goodhue; to the Committee on Pensions.

By Mr. GORMAN: A bill (H. R. 5194) granting a pension to Joseph Morgan; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 5195) for the relief of the Atlantic Canning Co.; to the Committee on Claims.

By Mr. HAMLIN: A bill (H. R. 5196) granting an increase of pension to Julius Vogt, sr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5197) to carry out the findings of the Court of Claims in the case of the city of Glasgow, Mo.; to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 5198) for the relief of Albert Edgerton Buckman and others; to the Committee on Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 5199) granting an increase of pension to Electa B. Merrill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5200) granting an increase of pension to Mary Sullivan; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 5201) for the relief of William J. Beard; to the Committee on Naval Affairs.

Also, a bill (H. R. 5202) for the relief of Edward Johnston; to the Committee on Military Affairs.

Also, a bill (H. R. 5203) for the relief of Catherine Kenealy; to the Committee on Military Affairs.

Also, a bill (H. R. 5204) for the relief of Thomas Reilly; to the Committee on Military Affairs.

Also, a bill (H. R. 5205) granting a pension to John Kennedy; to the Committee on Pensions.

Also, a bill (H. R. 5206) granting an increase of pension to George Van Orden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5207) granting an increase of pension to George Cort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5208) granting an increase of pension to Joseph Bush; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5209) to remove the charge of desertion now existing on the records of the War Department against John H. Melber; to the Committee on Military Affairs.

By Mr. KIRKPATRICK: A bill (H. R. 5210) granting a pension to Peter Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5211) granting an increase of pension to Franklin I. Kridelbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5212) granting an increase of pension to Clara E. McRoberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5213) granting a pension to Mary A. Moor-man; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5214) granting an increase of pension to Sarah Small; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5215) granting an increase of pension to Charles Blitz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5216) granting a pension to William H. Bennett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5217) granting a pension to Caroline E. Mason; to the Committee on Pensions.

By Mr. MARTIN: A bill (H. R. 5218) granting a pension to Michael Kelly; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 5219) granting an increase of pension to Catherine Morris; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 5220) for the relief of Caleb Aher; to the Committee on Military Affairs.

Also, a bill (H. R. 5221) for the relief of Elizabeth Williams; to the Committee on Military Affairs.

Also, a bill (H. R. 5222) for the relief of Gertrude A. Dot-terer; to the Committee on Military Affairs.

Also, a bill (H. R. 5223) for the relief of Amos Teel; to the Committee on Military Affairs.

Also, a bill (H. R. 5224) for the relief of William Shoen-berger; to the Committee on Military Affairs.

Also, a bill (H. R. 5225) for the relief of Theodore W. Kreamer; to the Committee on Military Affairs.

Also, a bill (H. R. 5226) for the relief of Curtis V. Milliman; to the Committee on Military Affairs.

Also, a bill (H. R. 5227) for the relief of Warren Van Vliet; to the Committee on Military Affairs.

Also, a bill (H. R. 5228) for the relief of John S. Dorshimer; to the Committee on Military Affairs.

Also, a bill (H. R. 5229) for the relief of Isaac Miller; to the Committee on Military Affairs.

Also, a bill (H. R. 5230) for the relief of William H. John-son; to the Committee on Military Affairs.

Also, a bill (H. R. 5231) for the relief of James Heiney; to the Committee on Military Affairs.

Also, a bill (H. R. 5232) for the relief of Alice O'Connor; to the Committee on Military Affairs.

Also, a bill (H. R. 5233) for the relief of Philip D. Connelly; to the Committee on Military Affairs.

Also, a bill (H. R. 5234) for the relief of Jefferson Fox; to the Committee on Military Affairs.

Also, a bill (H. R. 5235) granting a pension to Rose Black-burn; to the Committee on Pensions.

Also, a bill (H. R. 5236) granting a pension to Louisa Drey; to the Committee on Pensions.

Also, a bill (H. R. 5237) granting a pension to Howard S. Gardner; to the Committee on Pensions.

Also, a bill (H. R. 5238) granting a pension to Edward J. Hart; to the Committee on Pensions.

Also, a bill (H. R. 5239) granting a pension to Catharine Butz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5240) granting a pension to Phoebe A. Dixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5241) granting a pension to John B. Welch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5242) granting a pension to Jeremiah Brong; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5243) granting a pension to Ezra R. Fuller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5244) granting a pension to John H. Mc-Carty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5245) granting a pension to Sarah Werk-heiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5246) granting a pension to Catherine Jaich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5247) granting an increase of pension to William J. Ramsey; to the Committee on Pensions.

Also, a bill (H. R. 5248) granting an increase of pension to Elmer E. Frederick; to the Committee on Pensions.

Also, a bill (H. R. 5249) granting an increase of pension to James Riley; to the Committee on Pensions.

Also, a bill (H. R. 5250) granting an increase of pension to Isaiah Frutchey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5251) granting an increase of pension to William S. Brouch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5252) granting an increase of pension to Peter Mager; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5253) granting an increase of pension to John Lattimore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5254) granting an increase of pension to Thompson Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5255) granting an increase of pension to Harrison Brecht; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5256) granting an increase of pension to Jacob Mann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5257) granting an increase of pension to Henry Wildrick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5258) granting an increase of pension to Herman Alsover; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5259) granting an increase of pension to George Starnier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5260) granting an increase of pension to William Peltz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5261) granting an increase of pension to Urilla Helms Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5262) granting an increase of pension to Theodore Correll; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5263) granting an increase of pension to William W. Padgett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5264) granting an increase of pension to James Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5265) granting an increase of pension to Jacob Staples; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5266) granting an increase of pension to Aaron Henry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5267) granting an increase of pension to William H. Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5268) granting an increase of pension to George Setzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5269) granting an increase of pension to Benjamin F. Gerhard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5270) granting an increase of pension to George L. Bradford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5271) granting an increase of pension to Jacob E. Dreibelbie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5272) granting an increase of pension to James A. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5273) granting an increase of pension to Jacob Itterly; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5274) granting an increase of pension to Charles Henning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5275) granting an increase of pension to William D. Gibson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5276) granting an increase of pension to Anna M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5277) granting an increase of pension to Aaron Culberson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5278) granting an increase of pension to Jacob Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5279) granting an increase of pension to Alice King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5280) granting an increase of pension to Catharine Kistler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5281) granting an increase of pension to George H. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5282) granting an increase of pension to Frank B. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5283) granting an increase of pension to Robert McDowell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5284) granting an increase of pension to William Custard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5285) granting an increase of pension to William Riehl; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5286) granting an increase of pension to Margaret Bunnell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5287) granting an increase of pension to William Geary; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5288) granting an increase of pension to Theodore Strunk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5289) granting an increase of pension to William D. Everitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5290) granting an increase of pension to George W. Heim; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5291) granting an increase of pension to George H. Ruth; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 5292) granting a pension to Israel Henno; to the Committee on Invalid Pensions.

By Mr. ROUSE: A bill (H. R. 5293) granting an increase of pension to Walter McDaniel; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 5294) granting a pension to Mrs. Ernest R. Schultz; to the Committee on Pensions.

Also, a bill (H. R. 5295) granting an increase of pension to Eliza T. Chase; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5296) granting an increase of pension to Jonathan L. Shamp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5297) to correct the military record of John Carney; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 5298) granting a pension to Martin W. Sewall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5299) granting an increase of pension to William Oliver; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 5300) for the relief of Solomon Boyer; to the Committee on War Claims.

By Mr. TUTTLE: A bill (H. R. 5301) for the relief of Samuel Baker; to the Committee on Military Affairs.

By Mr. PORTER: A bill (H. R. 5302) granting an increase of pension to Benjamin F. Protzman; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of sundry citizens of Missouri, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of sundry New Bedford manufacturers, against reduction of duty on cotton cloth, etc.; to the Committee on Ways and Means.

Also (by request), petitions of the National Citizens' League, favoring the early passage of banking and currency reform laws; to the Committee on Banking and Currency.

By Mr. ASHBROOK: Petitions of sundry merchants of Ohio, favoring a change in the interstate-commerce laws; to the Committee on the Judiciary.

Also, petitions of James H. Talmage and other citizens of Ohio, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. BARTHOLDT: Petition of the Socialist Party of St. Louis, Mo., favoring an investigation of conditions in the coal regions of West Virginia; to the Committee on Labor.

By Mr. BELL of California: Petitions of the National Citizens' League of Los Angeles and other leagues of California, favoring immediate legislation in banking and currency reform; to the Committee on Banking and Currency.

Also, petitions of Clarence Dougherty and 23 other citizens of California, against reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. BURKE of Wisconsin: Petition of William McMahon and 20 other citizens of Portage, Wis., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DALE: Petition of members of the Medical Society of the State of New York, favoring removing the duty on surgical instruments, etc.; to the Committee on Ways and Means.

Also, petition of sundry mill corporations of New Bedford, against reduction of the duty on cotton cloths, etc.; to the Committee on Ways and Means.

Also, petitions of the Reliance Ball-Bearing Door Hanger Co. and Earl & Wilson, of New York City, and the Commercial Travelers' Mutual Accident Association of America, of Utica, N. Y., favoring passage of House bill 4322; to the Committee on the Post Office and Post Roads.

By Mr. DYER: Petition of the Socialist Party and sundry citizens of St. Louis, Mo., favoring an investigation of the conditions in the coal fields in West Virginia; to the Committee on Labor.

Also, petitions of the Meyer Bros. Drug Co., Joseph L. Rossmann & Co., and the Proctor-Connell Fish Co., of St. Louis, Mo., against levying a fee upon lodging of protests against assessment of duties by collectors of customs; to the Committee on Ways and Means.

Also, petition of Ransom Post, No. 131, of St. Louis, Mo., favoring the passage of House bill 2464, regarding the erection of a monument in St. Louis to the memory of Gen. Sherman; to the Committee on the Library.

Also, petition of Dr. Joseph B. Chiles and Jules P. Sarmquit, of St. Louis, Mo., against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of Dr. I. W. Metz, of Springfield, Ill., protesting against the funds of mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

By Mr. GRIFFIN: Petitions of sundry citizens of New York, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. HINEBAUGH: Petition of the Northern Illinois State Normal School, De Kalb, Ill., favoring the clause prohibiting the importation of plumage and skins of wild birds; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of the Pingree National Bank, of Ogden, Utah, favoring amendments to the banking and currency laws; to the Committee on Banking and Currency.

Also, petitions of sundry citizens of Utah, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of the Board of Trade of Newark, N. J., against the provision in the sundry civil bill which prefers a privilege to any one class; to the Committee on Appropriations.

Also, petition of the Chamber of Commerce of Bayonne, N. J., favoring amending the income-tax bill; to the Committee on Ways and Means.

Also, petition of E. G. Ruehle & Co., of New York, against the assessment of any fee in relation to the filing of protests against assessment of duties by the collectors of customs; to the Committee on Ways and Means.

By Mr. LEVY: Petition of the Stationers' Board of Trade of New York City, against manufacturers fixing the resale price of patented articles; to the Committee on Patents.

Also, petition of sundry New Bedford manufacturers, against reduction of the duty on cotton cloth, etc.; to the Committee on Ways and Means.

Also, petitions of the Reliance Ball-Bearing Door Hanger Co. and others, of New York City; the Commercial Travelers' Mutual Accident Association of America, of Utica; and the Buffalo Envelope Co., of Buffalo, N. Y., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN: Petitions of sundry citizens of the State of West Virginia, favoring an investigation of the conditions in the coal regions of West Virginia; to the Committee on Labor.

By Mr. RAKER: Petition of the Rocky Mountain Ore Producers, against reduction of the duty on lead ores; to the Committee on Ways and Means.

Also, petition of the Albers Bros. Milling Co., against oatmeal and rolled oats on the free list; to the Committee on Ways and Means.

Also, petition of Nelson Sage, of Rochester, N. Y., against reduction of the duty on vegetable ivory; to the Committee on Ways and Means.

Also, petition of the Muscatine Commercial Club, of Muscatine, Iowa, against reduction of the duty on pearl buttons; to the Committee on Ways and Means.

Also, petition of the Frostmann & Huffmann Co., of Passaic, N. J., against reduction of the duty on fine yarns and fabrics; to the Committee on Ways and Means.

Also, petition of the Merchants and Manufacturers' Board of Trade, of New York City, against any increase in the value of articles purchased abroad; to the Committee on Ways and Means.

Also, petition of the Salts Textile Manufacturing Co., of Bridgeport, Conn., relative to giving out the date on which the new tariff bill will go into effect; to the Committee on Ways and Means.

Also, petition of the International Brick, Tile, and Terra Cotta Workers' Alliance, of Chicago, Ill., against reduction of the duty on floor and wall tile; to the Committee on Ways and Means.

Also, petition of the California Walnut Growers' Association, of Los Angeles, Cal., favoring retention of the present duty on walnuts; to the Committee on Ways and Means.

Also, petition of the California Almond Growers' Exchange, of Sacramento, Cal., against reduction of the duty on almonds; to the Committee on Ways and Means.

Also, petition of the Eureka Hill Mining Co., of Salt Lake City, Utah, against reduction of the duty on lead ores; to the Committee on Ways and Means.

Also, petition of the Passaic Board of Trade, Passaic, N. J., against reduction of the duty on woolen and other manufactured goods; to the Committee on Ways and Means.

Also, petition of Swayne, Hoyt & Co., of San Francisco, Cal., regarding the duty of five-eighths cent per pound on rice; to the Committee on Ways and Means.

Also, petition of the Stauffer Chemical Co., of San Francisco, Cal., against reduction of the duty on tartaric acid; to the Committee on Ways and Means.

Also, petition of the Red Cedar Shingle Manufacturers' Association of Seattle, Wash., against placing shingles on the free list; to the Committee on Ways and Means.

Also, petition of the American Spice Trade Association of New York City, against the same duty on ground spice as on whole spice; to the Committee on Ways and Means.

Also, petition of the Jewelers' Board of Trade of the Pacific Coast, of San Francisco, Cal., against reduction of the duty on diamonds, etc.; to the Committee on Ways and Means.

Also, petition of the National Association of Window Glass Manufacturers' Association of Pittsburgh, Pa., against reduction of the duty on window glass; to the Committee on Ways and Means.

Also, petition of the American manufacturers of steel shears and scissors, against reduction of the duty on steel shears and scissors; to the Committee on Ways and Means.

Also, petition of the Sweater and Fancy Knit Goods Manufacturers' Association of New York, relative to the tariff on knit goods; to the Committee on Ways and Means.

Also, petition of the Hanlon & Goodman Co., of New York, N. Y., against reduction of the duty on brushes; to the Committee on Ways and Means.

Also, petitions of Maillard & Schmiedell, of San Francisco, Cal., relative to the Interstate Commerce Commission ruling relative to imported vegetables greened with copper salts; to the Committee on Agriculture.

Also, petition of the Alber Bros. Milling Co., against placing oatmeal and rolled oats on the free list; to the Committee on Ways and Means.

Also, petition of the National Cloak, Suit, and Skirt Manufacturers' Association, of Cleveland, Ohio, favoring a higher duty on finished clothing; to the Committee on Ways and Means.

Also, petition of J. D. Hammonds, La Mesa, Cal., against reduction of the duty on citrus fruits; to the Committee on Ways and Means.

Also, petition of the Committee of Wholesale Grocers, against reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Lancaster Leaf Tobacco Board of Trade, of Lancaster, Pa., against free tobacco from the Philippines; to the Committee on Ways and Means.

Also, petition of the Crown Columbia Paper Co., of San Francisco, Cal., relative to the exportation of pulp wood; to the Committee on Ways and Means.

Also, petition of the Los Angeles Chamber of Commerce, Los Angeles, Cal., protesting against the proposed reduction of the tariff on such a great number of the California products; to the Committee on Ways and Means.

Also, petition of the Van Duzer Extract Co., New York, N. Y., protesting against the placing of vanilla beans on the dutiable list; to the Committee on Ways and Means.

Also, petition of the Ennis Brown Co., Sacramento, Cal., protesting against any reduction of the tariff on beans; to the Committee on Ways and Means.

Also, petition of the American Olive Co., Los Angeles, Cal., relative to the tariff on olives; to the Committee on Ways and Means.

Also, petition of sundry employers and employees of the gold-leaf industry in the United States, protesting against the proposed reduction of the tariff on gold leaf; to the Committee on Ways and Means.

Also, petition of the Retail Butchers' Association of San Francisco, Cal., favoring the placing of live stock on the free list; to the Committee on Ways and Means.

Also, petition of A. B. C. Dohrmann, relative to the proposed change in the tariff on earthenware; to the Committee on Ways and Means.

Also, petition of sundry citizens, business concerns, and corporations of California, protesting against the proposed reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of the Salts Textile Manufacturing Co., of New York, N. Y.; the Greswold Worsted Co., Darby, Pa.; and 2 other companies, favoring a differential duty of about 40 per cent between raw hair and the finished products; to the Committee on Ways and Means.

Also, petition of the Pennsylvania Millers' State Association, Lancaster, Pa., and the Washington bureau of the Buffalo News, favoring tariff being placed on the products of grain equal to that on the grain; to the Committee on Ways and Means.

Also, petition of the Citrus Protective League, Los Angeles, Cal., and the Fruit Trade Journal and Produce Record, New York, N. Y., protesting against the proposed reduction of the tariff on citrus fruits; to the Committee on Ways and Means.

Also, petition of the Ludlow Manufacturing Associates, Boston, Mass.; J. S. Dunningan; and other citizens and business concerns of San Francisco, Cal., favoring a differential duty on burlap and jute bags; to the Committee on Ways and Means.

Also, petition of Field & Cramer, San Francisco, Cal., and the New York Life Insurance Co., New York, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of Hugo Reisinger, New York, N. Y., favoring the reduction of the tariff on electric-light carbons; to the Committee on Ways and Means.

Also, petition of Isaac Prouty & Co., Spencer, Mass., protesting against the proposed reduction of the tariff on boots and shoes; to the Committee on Ways and Means.

By Mr. SULLY: Petitions of sundry citizens of New Jersey, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition of the O. Newman Co., Haas Baruch & Co., and 5 other business concerns of Los Angeles, Cal., protesting against assessment of duties by the collector of customs; to the Committee on Ways and Means.

Also, petition of J. Herber & Hall Co., Pasadena, Cal., and L. Nordlinger & Sons, Los Angeles, Cal., protesting against the proposed increase of the duty on diamonds; to the Committee on Ways and Means.

Also, petition of the Los Angeles Rubber Stamp Co., the Cudahy Packing Co., Stewart & Tinklepaugh, and other business concerns, corporations, and citizens of Los Angeles and other cities and towns of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Federated Improvement Association of the city of Los Angeles, Cal., favoring the passage of legislation for relief from restriction of American water shipping; to the Committee on Interstate and Foreign Commerce.

Also, petition of E. C. Calkins and Flora H. Calkins, Monrovia, Cal., favoring the passage of legislation prohibiting the importation of plumes and feathers of wild birds for commercial use; to the Committee on Ways and Means.

Also, petition of the Globe Grain & Milling Co., Los Angeles, Cal., favoring the passage of legislation equalizing the duty on wheat and flour; to the Committee on Ways and Means.

Also, petitions of J. W. Morgan, of Garden Grove, and C. R. Keller, of Oxnard, Cal., against reduction of the duty on sugar; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of sundry citizens of Rock Island and Moline, Ill., favoring the clause prohibiting importation of plumage and skins of wild birds; to the Committee on Ways and Means.

By Mr. TUTTLE: Petition of the New Jersey Association Opposed to Woman Suffrage, protesting against any amendment to the Constitution of the United States granting suffrage to women; to the Committee on the Judiciary.

SENATE.

FRIDAY, May 16, 1913.

The Senate met at 11 o'clock a. m.

Prayer by Rev. W. V. Tudor, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE TARIFF.

The VICE PRESIDENT. Under the unanimous-consent agreement the Senate resumes the consideration of the motion of the Senator from North Carolina [Mr. SIMMONS] to refer to the Committee on Finance the bill (H. R. 3321) to reduce tariff duties and to provide revenue for the Government, and for other purposes, received from the House of Representatives for concurrence on the 9th instant.

Mr. MARTINE of New Jersey. I suggest the absence of a quorum.

Mr. SIMMONS. I make the point that there is no quorum present.